

OFFICE OF THE
TOWN ADMINISTRATOR
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INCORPORATED
DECEMBER 15, 1727
CHARTER JANUARY 1, 1991

**Town of Newmarket, New Hampshire
Town Council Workshop
August 21, 2013 7:00 p.m.
Town Council Chambers**

AGENDA:

- 1. Pledge of Allegiance**
- 2. Public Forum:** *(This is an opportunity for the public to address the Town Council)*
- 3. Town Council to Consider Acceptance of Minutes**
 - a. August 7, 2013 Business Meeting
 - b. August 7, 2013 Non-Public
- 4. Review of Department Reports:** *(This is an opportunity for Councilors to ask questions on any given Department Report)*
- 5. Town Council to Consider Reports from Council Rep Committees**
- 6. Discussions/Presentations**
 - a. Fiscal Year 2013 End of Year Report – M. Angell
 - b. Distribution of Revised Personnel Policy – Town Administrator
- 7. New Business**
 - a. 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.

TOWN HALL
186 MAIN STREET, NEWMARKET, NEW HAMPSHIRE 03857
TELEPHONE (603) 659-3617 • FAX (603) 659-8508



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Town Council Workshop
August 21, 2013 7:00 p.m.
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1. Pledge of Allegiance

2. Public Forum: *(This is an opportunity for the public to address the Town Council)*

DRAFT

**TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL BUSINESS MEETING
AUGUST 7, 2013
COUNCIL CHAMBERS**

PRESENT:

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

Town Administrator Steve Fournier

Council Chairman Levy opened the meeting at 7:03 p.m., followed by the Pledge of Allegiance.

Council Vice Chairman Bentley moved to seal the minutes of the non-public session under RSA 91-A: 3II a & c, personnel. Councilor Pike seconded. Town Administrator Fournier polled the Council. Motion carried unanimously, 7 – 0.

PUBLIC FORUM

Bert Allen of Smith Garrison Road said from his research, there was up to \$1M available from the Interior Department to repair or remove dams. Town Administrator Fournier will forward the information to the Dam Commission. Mr. Allen spoke about the advantages of 501C's in receiving lower bond rates and suggested that the Council look into establishing a training school associated with the new wastewater treatment plant.

Council Chairman Levy closed the Public Forum at 7:10 p.m.

PUBLIC HEARING

Resolution #2012/2013 – 60 Increase of Sewer Rates

Superintendent Greig gave a synopsis of the rate increases, which were lower than originally projected because of the 2 grants the town would receive. In earlier presentations he had reported that the rates would climb \$1.04 per cubic foot per year for 8 years and \$.15 for the next 6 years. With the grant money, the increases, if everything remains the same, would be \$.76 per cubic foot for 7 years and \$.70 for years 9 and 10. Rates will be reviewed annually. He said the average rate payer uses 5,500 cubic feet per year for an increase of \$45 per year. Bert Allen of Smith Garrison Road asked what the average use was for businesses, as he was concerned how the increase would impact restaurants and reduce their competitive pricing edge with other towns. Mr. Greig had not broken down the figures into household and business use, but said any ratepayer could multiply current usage by the additional \$.76. The increase is about 11%. He added that Portsmouth had a current rate of close to \$9.00 which would go higher with its new treatment plant.

Rose-Anne Kwaks of Wadleigh Falls Road asked if Mr. Greig anticipated the town going to level 3 to conserve water. Mr. Greig said that due to the increase in rainfall, the Bennett Well was approaching normal levels, and he did not think it would be necessary. They had also changed some of their pumping strategies and reduced the amount of water loss.

Town Council Business Meeting
August 7, 2013

Council Chairman Levy closed the Public hearing on Resolution #2012/2013-60 at 7:20 p.m.

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

Bert Allen of Smith Garrison Road encouraged the Council to vote on the Ordinance. Rose-Anne Kwaks of Wadleigh Road said, although she still had concerns with the high level of multi-family housing in Newmarket, she felt the Council had done a great job in adding safeguards with the amendments. Chris Nickerson, representing Milton Elms LLC, said offered support of the Ordinance and encouraged the Council to act on it at the meeting.

Council Chairman Levy closed the Public Hearing on Ordinance #2012/2013-02 at 7:23 p.m.

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Council Vice Chairman Bentley moved to accept the minutes of the July 24, 2013 Workshop as written, and Councilor Carmichael seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion carried unanimously, 7 – 0.

REPORT OF THE TOWN ADMINISTRATOR

Town Administrator Fournier reminded everyone that Newmarket would be holding its Olde Home Weekend on Friday, August 9th and Saturday, August 10th. Music and refreshments will be available beginning at 7:00 p.m. on Friday, followed by fireworks at 9:30. Saturday, the 5K road race will begin at 7:30 a.m., and the festivities will end at 7:00 p.m. Main Street will be blocked off at 10:00 a.m. Saturday. The rain date for fireworks will be September 7th.

The audit of the books from the previous tax collector had been completed, and everything was found to be in good order.

Town Administrator Fournier had been looking into additional parking in the downtown area, and developing off-site parking on Bay Road had been discussed. He had a suggestion that the 10' wide sidewalks on Elm Street near the library and the proposed commercial development could be narrowed to allow for parallel parking spaces, and he felt this would also provide some traffic calming. He wanted to talk with developers to seek their assistance in making this happen. He asked the Council to consider establishing a Parking Commission consisting of representative from the public, the Police Department and business owners. They would review previous parking studies make suggestions for improvements, not just in adding spaces but in different ways of enforcement and encouragement of off- site parking. He said it would be important to get buy- in from the business community.

The State had invited Newmarket to appoint a representative to a group of seacoast communities which will study reducing the impact of sea levels and other coastal hazards. The committee will meet 4 times a year probably in the seacoast area. Town Administrator Fournier said if no Councilor was interested in serving, he could advertize for a volunteer from the community.

Town Administrator Fournier asked the Council to consider eliminating workshops and instead have 2 business meetings per month. He said this would allow the Council to act in a timelier manner. Votes are currently taken at business meetings and the workshops are for in-depth discussion and review. No votes are taken at workshops without suspending the rules. He said this would reduce the confusion about what could be done at

which meeting, and both votes and discussions would occur twice a month. He said the Council could call a special meeting to address complex issues. He said if there were no amendments he could prepare an amendment to the Council rules. Council Chairman Levy asked how the current way of suspending the rules affects public comment. Town Administrator Fournier said the public does not expect the Council to vote at a workshop and does not have the opportunity to make comments before a vote, unless the Council also suspends the rules to allow public comment.

Town Administrator Fournier announced that the Town will be receiving \$151,265 rather than the expected \$137,226 in Highway Block Grand Aid.

Town Administrator Fournier said they continue to work with Virtual Towns and Schools to revamp the town's web site. He had included a sample design mock-up with his report. There will be a representative from each department trained to update its part of the web site. He said they would be able to do more newsletters on specific issues, and other information would be available by subscription.

The Council had voted to discontinue portions of Water Street the previous year. The town and developer of 13 Water Street had shared the cost of the survey which had been recorded and executed with the Registry of Deeds.

Four of the five hitching- post- style bike racks had been installed by the DPW. The Newmarket Business Association had donated four and Matt Angell had donated one. Town Administrator Fournier thanked them for their contributions.

Town Administrator Fournier said he had reviewed the amendments to the Zoning Ordinance with the Town Attorney and Town Planner, and with the exception of a few minor grammatical errors, they were fine and could be voted on.

Council Questions and Discussion:

Councilor Pickering encouraged Town Administrator Fournier to continue bringing forth good ideas, and said any questions or opposition he might have was not personal. He said he did not agree that Newmarket had a parking problem in the downtown. He said that parking had been reconfigured as part of the Downtown Project, especially in light of safety concerns on the main street. He said that parking was available, but people might have to walk a little to their destinations. He said unless business owners and/or townspeople were willing to buy and level buildings to create more parking, it would always be that way. He felt the idea for adding parking on Elm Street was good and thought they could check on funding that had been used for Nichols Ave. and lighting in the area. He felt the Town did not need a Parking Commission, but that the Highway Public Safety Committee could look at all the possibilities. Councilor Nazzaro thanked those who had donated the bike racks as they would encourage an alternative way to get downtown. He said he understood Councilor Pickering's point, but he had repeatedly heard about a lack of adequate parking from business owners. He also thought the Highway Public Safety Committee could be asked to look into parking solutions.

Councilor Nazzaro stated that Charter Commission members would be manning a booth near Newmarket Mills during Olde Home Day. He encouraged the public to visit them and ask questions and provide input. Councilor Pike said it was still difficult to see the crosswalk by The Big Bean, and he felt the Highway Public Safety Committee could also look at that issue. Council Vice Chairman Bentley said he also received many calls about downtown parking, and thought they needed to take the elderly and disabled into consideration, as well as inclement weather. Council Chairman Levy asked if they could get any hard numbers for creating additional parking on Elm Street. Town Administrator Fournier said they would probably need a streetscape design, and he

would get a rough estimate. Council Chairman Levy said he agreed with the idea of the Highway Public Safety Committee looking at parking. He also said he was in favor of having 2 business meetings per month, as they wouldn't have to suspend the rules, but wanted to make sure they were adhering to the Public Hearing rules. Town Administrator Fournier said they had been adhering to the Public Hearing rules even when suspending the rules and voting during a workshop, and added that there are a number of items that do not require a public hearing.

Councilor Pickering said he felt the parking issue had been studied to death, and cautioned that the Highway Public Safety Committee had actually eliminated some parking spaces in the past. He said to create parking they would have to reinstate the eliminated spaces or buy buildings and knock them down. He felt that business owners should have looked at the parking before locating their businesses in the downtown. He said the town had spent a lot of money on the downtown, and he didn't feel they should spend more, but he didn't have a problem with the Board looking at the issue. Councilor Carmichael agreed that with all the past studies, he didn't think they should spend any more money, but thought the Highway Public Safety Committee could look at parking. Town Administrator Fournier said the idea was not just to create parking lots but to look at such things as time limits for spaces or maybe creating motorcycle parking in small, unused areas. Councilor Nazzaro pointed out that the spaces by the old Eagles are routinely empty, and said he thought a lot of the problem was with the time limits not being enforced. Council Vice Chairman Bentley added that they should work with business owners to encourage their employees to park away from their buildings. He said many of the calls he had received about the zoning change involved parking concerns, and he felt it should be looked into.

OLD BUSINESS

Ordinances and Resolutions in the 2nd Reading – *Items the Council may act upon*

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

Council Vice Chairman Bentley moved to accept 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. Councilor Pike seconded.

Discussion: Councilor Carmichael had suggested at an earlier meeting that in the future detail fees be collected up front. Council Chairman Levy suggested that the Town Attorney, rather than the Interim Finance Director, pursue the small claims action and Town Administrator Fournier agreed.

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

Resolution #2013/2014-02 Repair and Maintenance of the George M. Stevens Tower Clock

Council Vice Chairman Bentley moved to accept Resolution #2013/2014-02 Repair and Maintenance of the George M. Stevens Tower Clock. Councilor Pike seconded.

Discussion: Hazardous pigeon droppings will be removed, and the clock tower screened to prevent further damage.

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

Resolution # 2013/2014-03 Establishing a Recreation Revolving Fund

Council Vice Chairman Bentley moved to accept Resolution #2013/2014-03 Establishing a Recreation Revolving Fund. Councilor Pike seconded.

Discussion: Town Administrator Fournier gave an overview of how the revolving fund would work. Under state law, the legislative body of a municipality must adopt the Recreation Revolving Fund. Currently, any surplus from the Recreation Department lapses each year and goes into the General Fund. The budget for the next fiscal year would have 2 recreation funds: one for full-time salaries and benefits for the Senior Center, and a revolving fund for fee-based programs and part-time salaries. Any surplus from programs can be used to offset shortages from less popular programs, and any remaining surplus will remain with the Department at end of the fiscal year. This would be the first step in making the Recreation Department more self-sufficient. The Department would review its programs to determine if it wants to continue with those not making a profit from fees charged. The Resolution would give the authority to establish the Fund.

Council Chairman Levy asked if part-time salaries and equipment costs would be paid for from the Fund. Town Administrator Fournier said they would, and the largest example would be the summer programs which have many part-time employees. If there was enough revenue coming into the Department, they could consider paying full-time salaries from the revolving Fund, rather than from the operating budget. Town Administrator Fournier said this would be very rare. To Council Chairman Levy's question, Town Administrator Fournier said that the coming budget process would show the Revolving Fund as separate from the operating budget, much the same as the water and sewer budget appear. The Revolving Fund budget would show line item costs for programs and the revenue budget would show estimates of anticipated offsetting fees. It is not necessary to establish a separate bank account for the Revolving Fund, only to have its accounting coded separately.

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

Resolution #2013/2014-04 Withdrawal of \$99,000 from the Public Works Capital Reserve Fund to Purchase a Trackless Sidewalk Plow

Council Vice Chairman Bentley moved to accept Resolution #2013/2014-04 Withdrawal of \$99,000 from the Public Works Capital Reserve Fund to Purchase a Trackless Sidewalk Plow. Councilor Pike seconded.

Discussion: DPW Director Rick Malasky explained that the 10 year old plow was primarily used to clear sidewalks, but it was worn out and needed constant repairs. Refurbishing it would be costly, and while it has been out of service, the downtown plowing was delayed as there is only one other plow that can do the same type of work. He said they would be able to save the attachments from the existing plow and use them on the new one. Refurbishing would cost \$70,000 and a new plow would be \$99,000. The warranty for refurbishing or purchasing a new tractor is for one year, because of the way it is used. He said that he could not guarantee that they could get more money by trying to sell the tractor separately rather than trading it in. The tractor/plow has 2300 hours on it, close to the 2500 to 3000 average. It would be difficult to share a plow with another town as the plow would be needed by both at the same time. He said they had good luck with the brand they were purchasing, and many other towns were now using the same equipment.

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

Resolution #2013/2014-05 Authorize the Town Administrator to Enter into a Two-Year Agreement with Municipal Resources Inc. (MRI) for Assessing Services

Council Vice Chairman Bentley moved to accept Resolution #2013/2014-05 Authorize the Town Administrator to Enter into a Two-Year Agreement with Municipal Resources Inc. (MRI) for Assessing Services. Councilor Pike seconded.

Discussion: Town Administrator Fournier estimated the total amount for the 2 years at about \$75,000. He was recommending an hourly amount for this year, but the following year, when the total revaluation has to be done, the town might consider a flat fee. The rates were not in the Resolution, but were in the contract. He said the rates could be added to the Resolution, but it wasn't necessary as the contract was the legal document. The rates are \$50 per hour for one day a week in the office, plus 25 days a year at no additional cost; \$75 an hour for an abatement appeal and \$175 for a BTLA or Superior Court appearance. There is an Assessor in the Town Hall every Tuesday, and he said they have more staff with more expertise at a lower cost than when assessing was done in-house. An RFP will be prepared for the Revaluation, and some money towards it was appropriated in this year's budget.

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

Resolution #2013/2014-06 Withdrawal of \$10,000 from Sewer Impact Fees for Engineering Services of Bay Road Force Main

Council Vice Chairman Bentley moved to accept Resolution #2013/2014-06 Withdrawal of \$10,000 from Sewer Impact Fees for Engineering Services of Bay Road Force Main, Councilor Pike seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion passed unanimously, 7 -0.

Resolution #2013/2014-08 Release of \$14,148 of Comcast Franchise Fees

Council Vice Chairman Bentley moved to accept Resolution #2013/2014-08 Release of Comcast Franchise Fees. Councilor Pike seconded.

Discussion: To Councilor Nazzaro's question, Town Administrator Fournier said this would allow the live broadcast of the Deliberative Session from the High School gym. The necessary equipment will be purchased. All the funds will come from Comcast. IT Director Doug Poulin and Chris Williams had prepared the RFP, and Town Administrator Fournier will check to see if they contact distributorships as well as local firms for prices.

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

Items Laid on the Table: Town Administrator Fournier said that Ordinance #2012/2013-02 had already been removed from the table and was now an action item.

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

Council Vice Chairman Bentley moved to adopt 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. Councilor Pike seconded.

Discussion: Councilor Wright said he was going to recuse himself from the vote as he owned property within the M-2 district. (Leo Filion said he had comments to make about Resolution #2013/2014-06, and didn't realize the Council had already voted on it. He thought the Public Forum was for non-agenda items only, but the Council had amended its rules and public comment was for all the action items of the meeting. Council Chairman Levy said that considering the circumstances, he would allow Mr. Filion to make his comments after the current agenda item.)

Councilor Nazzaro said that he had initially supported the zoning ordinance, but he could not agree with 2 portions of the recent amendments and would have to vote against it. He said the unintended consequence of size limitations in Section 2.02B6 would not allow a project like Bryant Rock to be built in the future. He said that if a developer wanted to have a commercial establishment on the first floor and a 1,500 square foot penthouse on the second floor, it could not be done. He did not think the size limitations represented a healthy stimulation for development. In addition, he was not in agreement with the amendment to Section 7.02, which would not allow the addition of residences to an existing commercial building unless it could be shown that the revenue to the town would be greater than it presently is, even if the town did receive positive revenue against services provided. He said this not restricts zoning unnecessarily, but alters the relationship between the town and the community. He said the goal of zoning is to foster healthy community development and ensure that the development is in line with what the community wants. He felt that requiring that the municipality of the town make more money, even though the development would have a positive impact on the community, could prevent the community from having what it wants. He said the amendment goes beyond ensuring that a building is sustainable, by saying that if the business does not line the Town Hall's pockets more, it cannot be built. He said this put the individual and community below the municipality's coffers, and he would have to vote against the Ordinance.

Councilor Pike said he would be voting in favor of the Ordinance as the community members he had spoken to were in general not in favor of more apartments in the downtown. Also, the Master Plan, for economic reason, was against adding more multi-family housing. He felt the amendments met the goal of decreasing risk to the town and providing a positive fiscal impact. Council Chairman Levy clarified that Section 7.02 only applied to existing commercial structures that proposed adding residential units, not to new commercial development. Councilor Nazzaro said that even if the town would be in the black with the addition of residences, if the draw on services reduced the income to the town below its current level, the development would not be approved.

Town Administrator Fournier polled the Council. Motion passed 5 – 1 – 1, with Council Chairman Levy, Council Vice Chairman Bentley and Councilors Pickering, Pike and Carmichael in favor, Councilor Nazzaro against, and Councilor Wright recusing himself.

Resolution #2012/2013-60 Increase Sewer Rates

Council Vice Chairman Bentley moved to accept Resolution #2012/2013-60 Increase Sewer Rates. Councilor Carmichael seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion carried unanimously, 7 – 0.

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 7/10/2013 and Revised)

Council Vice Chairman Bentley moved to remove Resolution #2012/2013-63 from the table. Councilor Pike seconded. Town Administrator Fournier polled the Council. Motion carried unanimously, 7 – 0.

Council Vice Chairman Bentley moved to accept 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. Councilor Carmichael seconded.

Discussion: Town Planner Diane Hardy referred to the Council meeting in June, when Wright Pierce made a presentation on costs for repairs or changes to the dam so that it would meet the 100 year flood criteria. Gomez and Sullivan had been recommended to prepare a feasibility study on removing the dam, and Council Chairman Levy had asked that they not charge the town a 10% mark-up fee. The firm had agreed to reduce it to 5%. The Resolution had been tabled at the 2011 Deliberative Session voted to reduce the amount raised for the feasibility study from \$85,000 to \$45,000 because of a \$40,000 grant from the Conservation Law Foundation. By Warrant law, a town has to raise and appropriate the entire amount of a project before deducting grant money or it is considered there is a deficiency which cannot be spent. In July, the Interim Finance Director found that the funds that were raised were not encumbered the end of the year, and consequently went into fund balance, and the Town Attorney verified the deficiency. A Capital Reserve Fund had been established in 2007 for the Macallen Dam, and currently has a balance of \$41,562, which was being proposed to cover the town's share of the study. They had approached the Conservation Law Foundation about using those funds rather than the appropriation, and they had approved this as an amendment to the contract as well as extending the time frame for completion to April, 2014. The Resolution was asking for Council approval of the use of the Capital Reserve Fund.

Councilor Nazzaro asked if they had the original 2007 Ordinance to make sure that the funds could be used for this purpose. Town Administrator Fournier said, as of now, there was no authority to spend even the original \$45,000 that had been appropriated. He said he would get a legal opinion on using the Capital Reserve Fund. Councilor Nazzaro read the 2007 Warrant Article: "To see if the Town will vote to establish a Capital Reserve Fund under RSA 35:1 for the purposes of maintaining and improving the Macallen Dam." He said he didn't think studying the removal of the dam fit within the intent of the Warrant Article. Town Planner Hardy said that was not the original Warrant Article, but the Fund was set up to cover costs that the town would incur in response to the state's letter of deficiency. Town Administrator Fournier said that studying removal could be considered part of maintenance, and Ms. Hardy added that the CIP Committee seemed to recognize that studies would have to be done, whether for repair or removal. The study would also be required if Federal Funds were involved in repairs or removal, as all the impacts would have to be studied, and they could do this study at half the cost because of the grant.

Council Vice Chairman Bentley said he thought that the dam had been downgraded, but Mr. Malasky said the dam had been reclassified as high hazard and they have to increase the flow over the spillway.

Council Vice Chairman Bentley said he remembered from the Wright Pierce study that they reported that there would be damage, but not loss of life. He commended Mr. Malasky for removing the wood from the dam before Hurricane Sandy. Town Administrator Fournier will have the Town Attorney and DRA look at the 2007 Ordinance to make sure it can be used for the study. Councilor Nazzaro said he was trying to prevent their rewriting the intent of an Ordinance just so they could use the funds, and wondered why they would vote before getting the legal opinion. Town Administrator Fournier said they could table the Resolution, and the legal opinion would depend on the definition of "Maintenance." The terms of the grant state that the study has to be complete by April 30, 2014 or the funds will go away. The 2011 Warrant Article did not have a "lapse clause" which would have prevented the funds from going into the General Fund. In addition the Council should have been approached before the end of the year to encumber the funds. Council Vice Chairman Bentley asked if the State was forcing the town to do something about the dam. Mr. Malasky said NHDES was forcing them to make repairs to the existing dam and increase the flow to meet the 100 year storm. Council Chairman Levy said he thought Gomez and Sullivan should pass through their 10% real costs and add on for sub-contractors as they were getting paid by the hour. Town Planner Hardy said there had been a 10% markup for consultants, but they had reduced the percentage to 5% for a savings of about \$700.

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

NEW BUSINESS

Ordinances /Resolutions in the 1st Reading

Resolution #2013/2014-15 Authorizing Town Administrator to Enter into an Agreement with Bell & Flynn of Stratham, NH for Paving Ash Swamp Road and Miscellaneous Small Projects **(TA REQUESTS TO SUSPEND RULES)**

Council Chairman Levy read Resolution #2013/2014-15 in full.

Council Vice Chairman Bentley moved to suspend the rules. Councilor Pike seconded.

Discussion: Town Administrator Fournier said the vote was necessary as oil prices fluctuate and the company was coming to start projects that required paving.

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

Council Vice Chairman Bentley moved to accept Resolution #2013/2014-15 Authorizing Town Administrator to Enter into an Agreement with Bell & Flynn of Stratham, NH for Paving Ash Swamp Road and Miscellaneous Small Projects. Councilor Pike seconded. Town Administrator Fournier polled the Council. Motion passed unanimously, 7 – 0.

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. Council Chairman Levy read the Resolution in full.

Resolution #2013/2014-13 Awarding #2 Heating Oil, Liquid Propane, Regular Gasoline and Clear Diesel Contracts. Council Vice Chairman Bentley read the Resolution in full.

Town Council Business Meeting
August 7, 2013

Resolution #2013/2014-14 Agreement with Wright Pierce for Engineering Services for the Upgrade of the Wastewater Treatment Facility. Council Vice Chairman Bentley read the Resolution in full.

CLOSING COMMENTS BY TOWN COUNCILORS

Councilor Pickering asked for an explanation of last year's Resolution that only allows a certain percentage to go toward lowering this year's tax rate. Town Administrator Fournier said that one of the sections of the Fund Balance Policy states that any money from Fund Balance that will be used to lower the tax rate must be budgeted ahead of time. During the budget process an amount can be designated to go into the Operating Budget to offset expenses or to pay for capital items, rather than raising the money through taxes. He said this was important for better planning and to prevent peaks and valleys in the tax rate. The Policy also states that Fund Balance should be between 5% and 10% of gross appropriations. There should be over 10% in Fund Balance at the end of FY2012.

Council Vice Chairman thanked those who had worked to keep Olde Home Week going.

Councilor Nazzaro asked that the Council have copies of the Ordinance, and Town Administrator Fournier said it should have been in the last packet. Council Chairman Levy said he thought they had primarily voted to keep a certain amount in Fund Balance, and thought they should review the Policy at some point.

Council Vice Chairman Bentley moved to adjourn and Councilor Carmichael seconded. Motion passed unanimously, 7 – 0, and the meeting adjourned at 8:50 p.m.

Next meeting: August 21, 2013

Respectfully submitted,

Ellen Adlington, Recording Secretary



**Town of Newmarket, New Hampshire
Town Council Workshop
August 21, 2013 7:00 p.m.
Town Council Chambers**

- 4. Review of Department Reports:** *(This is an opportunity for Councilors to ask questions on any given Department Report)*

STEPHEN R. FOURNIER
TOWN ADMINISTRATOR

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

REPORT OF THE TOWN ADMINISTRATOR
August 21, 2013

Olde Home Weekend: Olde Home Weekend was held the past weekend. I attended it in the early afternoon. The weather was great and there were a large number of people. The Olde Home Committee should be commended for their work.

On the other hand, the fireworks for the night before had to be postponed due to rain. They will now be held on September 7 beginning at 7PM with live entertainment at the Landroche Fields.

Town Meeting 2014 and FY15 Budget: With the new fiscal year beginning, it is time to get ready for the next one. Budget worksheets will be going out to Department Heads shortly and will be due back to me by early September. Pursuant to the Town Charter, I must present a proposed budget by October 15. In return, the Council must propose one to the Budget Committee by November 15. The Superintendent of Schools and I have been reviewing the dates for our respective annual meetings. The following is a draft schedule for Town Meeting 2014.

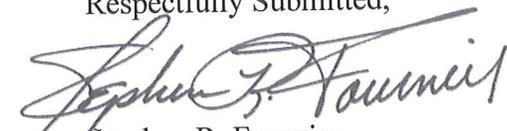
Tuesday, March 11, 2014	Town Election Day
Saturday, February 08, 2014	Deliberative Session (No Snow Day)
Monday, January 27, 2014	LAST DAY TO POST WARRANT & BUDGET
Tuesday, January 21, 2014	Last Day to Hold School Budget Public Hearing
Tuesday, January 21, 2014	Last Day to Hold Bond Public Hearing
Tuesday, January 14, 2014	School Budget Public Hearing
Tuesday, January 14, 2014	Last Day to Hold Town Budget Public Hearing (Pursuant to Town Charter)
Tuesday, January 14, 2014	Last Day for Petitioned Warrant Articles
Tuesday, December 31, 2013	Town Must Post Budget For Public Hearing
Friday, November 15, 2013	Town Council must Submit Budget to Budget Committee
Tuesday, October 15, 2013	Town Administrator Must Submit Budget to Town Council
Monday, September 16, 2013	Department Heads Must Submit Budgets to Town Administrator

Signage for Waterfront: The Newmarket Business Association is funding a new sign for the Waterfront. It will be a directional sign, informing people of the places located along the waterfront. The following is a mockup of the sign:



We are working with the church to find the best location. We hope to have it installed in the coming weeks.

Respectfully Submitted,


Stephen R. Fournier
Town Administrator



Department Heads Monthly Reports to the Town Council and Town Administrator

Police Department

Activity:

Police related activity for the first seven month period of the year continues to be up over last year's numbers. This is consistent with what I have reported in the past few months. I anticipate that this increased workload will continue throughout the remainder of this calendar year. Our solvability of the cases involving property crimes and crimes against persons continues to be good.

Personnel:

I am happy to report that we are fully staffed. Recently we hired Annaliese Schmidt to replace Graham Chafee who moved out of state, as a part-time dispatcher. Annaliese is a recent graduate of Newmarket High School and a future student in the Plymouth State University Criminal Justice Program. We're happy to have her join the team. Part-time dispatchers work on an "as needed" basis and fill in during emergencies or staff vacancies

Olde Home Weekend/Oyster Festival:

Last weekend Newmarket's Main Street hosted the street fair and Oyster Festival. As we have done in the past several years, Route 108 traffic was rerouted around the Main Street area and the Main Street was closed to vehicular traffic to allow vendors and festival goers the opportunity to listen to music and visit booths. I am happy to report that while the crowds appeared to be increased over some previous years, there were very few traffic related issues and we experienced no citizen complaints about the event. I extend my congratulations to the event planners for another successful event.

Police Vehicle Replacement:

I anticipate that within the next month, I will be presenting a proposal to the Council for the replacement of a police cruiser. The cruiser to be replaced is a Ford Crown Victoria used as a line vehicle with over 130,000 miles. We have incurred increased maintenance expenses and the contracted Town Mechanic is in agreement that we should consider replacing the vehicle before we incur future expenses. We purchase a vehicle and drive it until its condition deteriorates, its dependability diminishes and its maintenance costs

climb. Purchasing and outfitting a police cruiser is a time consuming venture requiring transactions with at least three separate vendors.

Last year as you may recall, we located a new leftover 2011 Ford Crown Victoria police vehicle at a dealer in Massachusetts and were able to purchase and equip it at a savings of over \$3,000.00, over the price of a newer model vehicle. Ford discontinued building the Crown Victoria police package in 2011. They replaced it with the new smaller Ford Interceptor built on a beefed up Ford Taurus frame equipped with a six cylinder engine for better gas mileage. The Interceptor comes in a four door sedan model and an SUV looking model (looks similar to the Ford Edge). By purchasing a leftover Crown Victoria model last year, not only were we able to save taxpayer money but we have been afforded the opportunity to evaluate how other police departments are faring with the new model.

After test driving the two models and evaluating what other agencies are telling us about the Interceptor, the SUV model has much more cabin capacity for officers, equipment, and prisoners. We believe the SUV model will better serve our needs now and in the future. The difference in the price between the two models has been about \$ 1,800.00, although I have not got pricing yet for the 2014 model. Our intention is to purchase the vehicle at the State bid price.

Since the vehicle model is completely different than what we have been accustomed to in the past, I will be soliciting bids from five vendors who compete for the municipal police vehicle setup business here in Southern New Hampshire and Northern Massachusetts. Three of the vendors are companies the department has dealt with in the past and two are new vendors for us. They will be asked to provide us with quotes to equip and outfit the vehicle with a cage, lights, siren and radio and mobile computer.

As was the case last year, we will be requesting a separate purchase of a new Motorola mobile digital radio, to replace the existing cruiser radio at a price of \$ 3,000.00. This request for expenditure will be from the Dispatch/Radios CIP account. Our current mobile radio is obsolete and Motorola no longer supports it by manufacturing parts. The radio we will be cycling out we will keep for spare parts since we still have 4 of these older model radios in service. Last year when we ordered the new radio it took six weeks to arrive from Motorola, so any existing spare parts we have are crucial to maintain to avoid having a vehicle off line for an extended period of time.

I anticipate that I will have all the quotes and will be prepared to bring a proposal before the Council for review within the next thirty days.

School Safety:

As we have provided in the past, members of the department will be assisting the school district with a safety orientation for new school district employees prior to the upcoming

school year. Other staff members will be touring the recent renovations to the interior of the Junior/Senior High School Building prior to the beginning of the September.

Current Year Budget:

Although it is very early in the fiscal year, expenditures for the FY 2013-2014 budget are in line with the projected budget

	<u>Budget</u>	<u>Month Exp.</u>	<u>YTD Exp</u>	<u>Amount Remaining</u>	<u>% Expended</u>	<u>Previous Year % Expended</u>
<i>Police Total</i>	1,251,496.98	131,045.01	1,053,472.49	198,024.49	84%	88%

Fire and Rescue Department

For the month of July the department responded to 80 calls for service. We responded to 42 medical calls, transporting 28 patients to local hospitals. We also responded to three motor vehicle accidents, transporting two patients to the hospital. We responded to 19 fire alarm activations and one carbon monoxide activation. The ambulance responded mutual aid to Newfields three times, transporting two patients. Tanker 4 responded mutual aid to Lee twice; once for a kitchen fire and once for a structure fire. Ladder 2 responded to Newfields for a possible kitchen fire and a possible gas leak. We responded three times to Stratham, transporting one patient to the hospital. We assisted an elderly resident on North Main Street with flooding in their basement and responded to a fire alarm activation at The Pines that turned out to be a small kitchen fire which was extinguished upon arrival by the sprinkler system.

We had one new member join this who is already Firefighter I and EMT-I certified. It is a great asset to the town when someone joins the department who is already certified.

We enrolled four members in a six month Firefighter I Class hosted in Newfields.

	<u>Budget</u>	<u>Month Exp.</u>	<u>YTD Exp</u>	<u>Amount Remaining</u>	<u>% Expended</u>	<u>Previous Year % Expended</u>
<i>Fire & Rescue Total</i>	297,983.00	24,123.40	24,123.40	273,859.60	8%	7%

Public Works Department

Crews have been busy this month replacing the sidewalks on Packers Falls Road. There was a lot of prep work that needed to be completed before the new granite curbing could be installed and the sidewalks paved. Unfortunately, due to rainy weather, the installation of the curbing was delayed and now the paving have been delayed. The sidewalks will be complete before school opens the end of August.

We began ditching and preparing Ash Swamp Road to be paved. There is a lot of prep work that needed to be complete before the road could be reclaimed and paved. Ash Swamp Road is a heavily traveled road during the morning and afternoon commute. Crews worked hard to get the prep work done and keep the road in passable condition for commuters and residents. The work on Ash Swamp Road is scheduled to be completed by the end of August.

Roadside mowing has begun and this work should be completed by the beginning of September. We also started bush hogging all of the town owned fields.

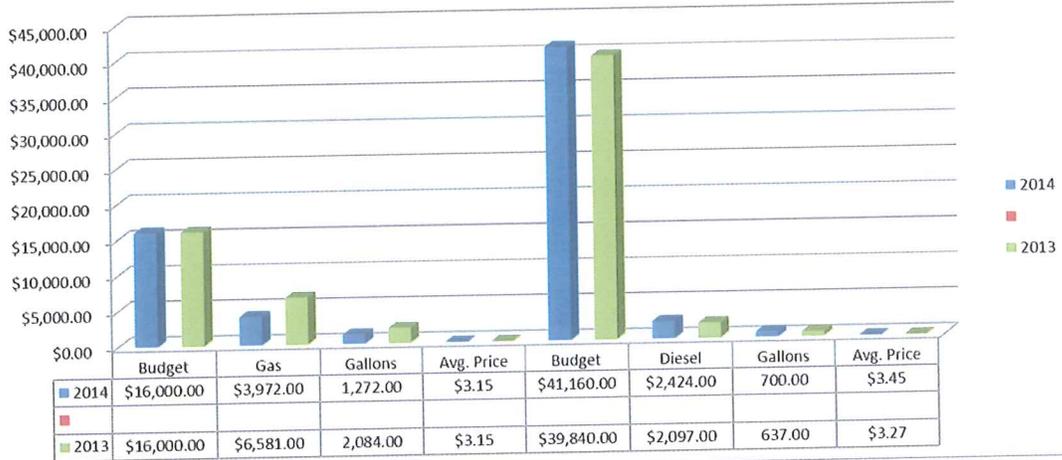
The painting of the interior of the town hall is progressing well and almost complete. The town hall was in need of a makeover and Caprioli painting is doing a great job.

We installed all the new bicycle racks throughout the downtown.

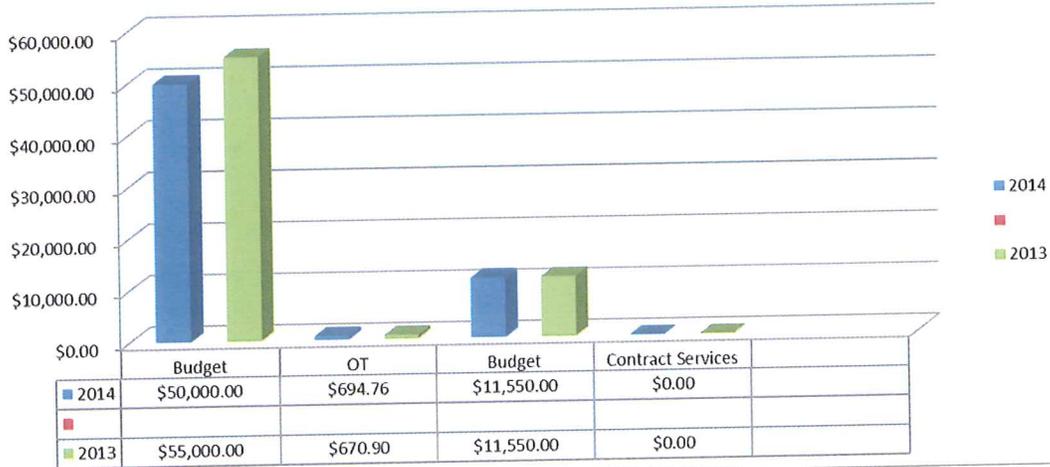
	<u>Budget</u>	<u>Month Exp.</u>	<u>YTD Exp</u>	<u>Amount Remaining</u>	<u>% Expended</u>	<u>% Expended Previous Yr</u>
Public Works Admin. Total	398,718.00	20,278.27	20,278.27	378,439.73	5%	5%
Roadways and Sidewalks Total	346,690.00	12,282.69	12,282.69	334,407.31	4%	1%
Street Lights Total	45,800.00	0.00	0.00	45,800.00	0%	1%
Bridges and Signs Total	500.00	0.00	0.00	500.00	0%	0%
Building and Grounds Total	451,050.00	23,196.09	23,196.09	427,853.91	5%	4%

Cemeteries Total	398,718.00	20,278.27	20,278.27	378,439.73	5%	6%
Vehicle Maintenance Total	346,690.00	12,282.69	12,282.69	334,407.31	4%	2%

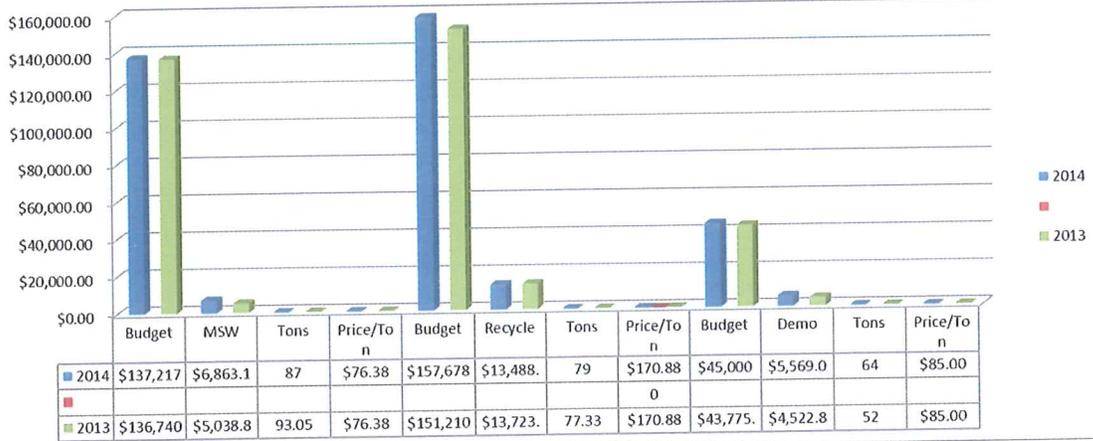
Public Works Department YTD Gas/Diesel



Public Works Department YTD Overtime/Contract Services



Public Works Department YTD Solid Waste



Public Works Department YTD Equipment/Vehicle Maintenance



Water System

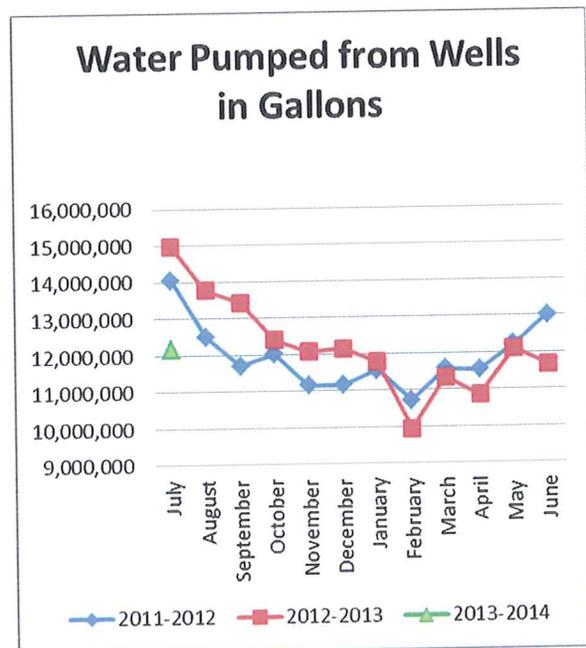
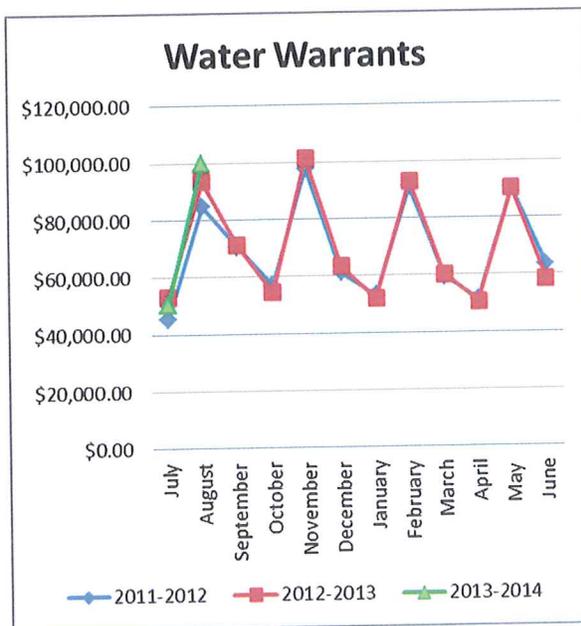
The North Main Street water main design is complete. The NHDES is having borings done to determine possible soil contamination from the gas station located at 35 North Main Street. We have met with the State to discuss the Route 108 bike path, sidewalk and drainage improvements that may impact the water main project. It has been determined that there are conflicts with the State's proposed drainage work and the Town's sewer main, and proposed water main. So additional engineering will need to be done to the water main design.

The Town is currently working with Hazen and Sawyer to develop a scope and cost for the design of the MacIntosh Well.

The Department a few months ago reduced the pumping at the Bennett well from 220 gallons per minute (gpm) to 180 gpm in an attempt to stop the declining water levels at the Bennett Well. Due to the large amount of rain and the reduced pumping volume, the Bennett Well water level has improved about a foot. The Sewell Well water levels have remained normal.

July water loss: 5.14%

Water Loss Goal: 12.00%



	<u>Budget</u>	<u>Month Exp.</u>	<u>YTD Exp</u>	<u>Amount Remaining</u>	<u>% Expended</u>	<u>% Expended Previous Yr</u>
Water Total	848,597.00	20,661.77	20,661.77	827,935.23	2%	4%

Sewer System

The State of New Hampshire is working on a bike path from Newmarket to Durham. A part of this project is improving the drainage on North Main Street. This will require the Town to move the water and sewer mains on North Main Street. The State will contribute to the cost to move the water and sewer mains based on the remaining useful life of the water and sewer mains. The useful life is based on 50 years. Based on the useful life criteria, the water and sewer mains have no useful life left and the Town will receive no monies from the State of New Hampshire to move the water and sewer mains. The cost estimate for engineering to solve the sewer conflicts is \$16,000, and \$5,400 for televising 2,700 linear feet of sewer to locate sewer services.

The Department has advertised and interviewed for the Vac-Truck Operator position for the second time. The position was offered and turned down for the second time. The Department is looking at other alternatives.

The Department is working on satisfying the new collection system requirements in its NPDES Permit. The new requirements are:

C. Operation and Maintenance of the Sewer System

Operation and maintenance of the sewer system shall be in compliance with the general requirements of part II and following terms and conditions. The permittee is required to complete the following activities for the collection system which it owns:

1.) Maintenance Staff

The permittee shall provide an adequate staff to carry out the operation, maintenance, repair, and testing functions required to ensure compliance with the terms and conditions of this permit. This requirement shall be described in Section C.5. below.

2.) Preventive Maintenance Program

The permittee shall maintain an ongoing preventative maintenance program to prevent overflows and bypasses caused by malfunctions or failures of the sewer system infrastructure. The program shall include an inspection program designed to identify all potential and actual unauthorized discharges. This program shall be described in the Collection System O&M Plan required pursuant to Section C.5. below.

3.) Infiltration/Inflow

The permittee shall control infiltration and inflow (I/I) into the sewer system as necessary to prevent high flow related violations of the wastewater treatment plant's effluent limitations. Plans and programs to control I/I shall be described in the Collection System O&M Plan required pursuant to Section C.5. below.

4.) **Within 30 months of the effective date of this permit**, the permittee shall prepare a map of the sewer collection system it owns. The map shall be on a street map of the community, with sufficient detail and at a scale to allow easy interpretation. The collection system information shown on the map shall be based on current conditions and

shall be kept up to date and available for review by federal, state, or local agencies. Such maps shall include, but not limited to the following:

- a. All sanitary sewer lines and related manholes;
- b. All combined sewer lines, related manholes, and catch basins;
- c. All combined sewer regulators and any known or suspected connections between the sanitary sewer and storm drain systems (e.g. combined manholes);
- d. All outfalls, including the treatment plant outfalls, CSO's, combined manholes, and any known or suspected SSOs;
- e. All pump stations and force mains;
- f. The wastewater treatment facility;
- g. All surface waters (labeled);
- h. Other major appurtenances such as inverted siphons and air release valves;
- i. A numbering system that uniquely identifies manholes, catch basins, and overflow points, regulators and out falls;
- j. The scale and north arrow; and
- k. The pipe diameter, date of installation, type of material, distance between manholes, and direction of flow.

5.) Collection System Operation and Maintenance Program

The permittee shall develop and implement a Collection System Operation and Maintenance Plan.

- a. **Within six (6) months of the effective date of the permit**, the permittee shall submit to EPA and NHDES
 1. A description of the collection system management goals, staffing, information management, and legal authorities;
 2. A description of the overall condition of the collection system including a list of the recent studies and construction activities; and
 3. A schedule for the development and implementation of the full Collection System O&M Plan including the elements in paragraph b.1. through b.7. below.
- b. The full Collection System O&M Plan shall be submitted and implemented to EPA and NHDES **within (24) months from the effective date of this permit**. The plan shall include:
 1. The required information from paragraph 5.a. above, updated to reflect current information;
 2. A preventative maintenance and monitoring program for the collection system;
 3. Sufficient staffing to properly operate and maintain the sanitary sewer collection system.
 4. Sufficient funding source(s) of funding for implementing the plan;
 5. Identification of known and suspected overflows and back-ups, including combined manholes, a description of the identified overflows and back-ups, and a plan for addressing the overflows and back-ups consistent with the requirements of this permit.
 6. A description of the permittees program for preventing I/I related effluent violations and all unauthorized discharges of wastewater, including overflows

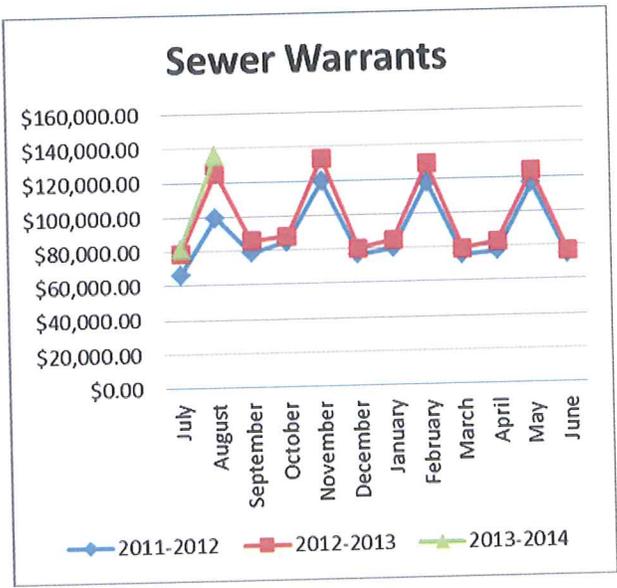
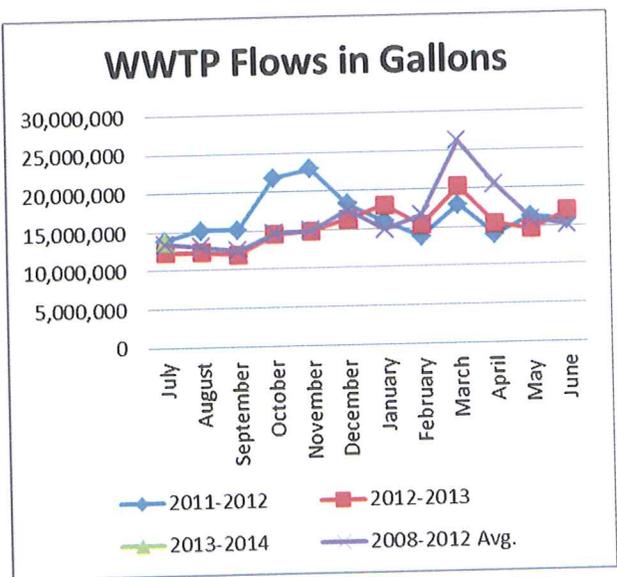
and by-passes and the ongoing program to identify and remove sources of I/I. The program shall include an inflow identification and control that focuses on the disconnection and redirection of illegal sump pumps and roof down spouts; and

7. An educational public outreach program for all aspects of I/I control, particularly private inflow.

6.) Annual Reporting Requirements

The permittee shall submit a summary report of activities related to the implementation of its Collection System O&M Plan during the previous year. The report shall be submitted to the EPA and NHDES annually by March 31. The first annual report shall be due the first March 31st following the submittal of the Collection System O&M Plan required by Part 1.C.5.b of this permit. The summary report shall, at a minimum include:

- a. A description of the staffing levels maintained during the year.
- b. A map and the description of the inspection and maintenance activities conducted and corrective actions taken during the previous year;
- c. Expenditures for any collection system maintenance activities and corrective actions taken during the previous year;
- d. A map with areas identified for investigation/action in the coming year;
- e. If the treatment plant flow has reached 80% of the .85 MGD design flow (.68 MGD) or there have been capacity related overflows, submit a calculation of the max daily, weekly, and monthly infiltration and the maximum daily, weekly, and monthly inflow for the reporting year; and
- f. A summary of unauthorized discharges during the past year and their causes and a report of any corrective actions taken as a result of the unauthorized discharges reported pursuant to the Unauthorized Discharge section of this permit.



	<u>Budget</u>	<u>Month Exp.</u>	<u>YTD Exp</u>	<u>Amount Remaining</u>	<u>% Expended</u>	<u>% Expended Previous Yr</u>
Waste Water Total	954,020.00	40,101.78	40,101.78	913,918.22	4%	5%

Information Technology

1. I continue to swap out our older PCs for newer ones. I expect this will continue for most of the year.
2. Our Payroll and Accounts Payable printer bit the dust last week during a check run! Obviously this printer is super important to the functioning of the Town. Matt in Finance decided it would be a good idea to buy a new printer the same model as the School Dept uses. In this way, if one of our printers fails, we can run to the other department and use theirs in an emergency.
3. I was called to the Police Department on Saturday to fix a major issue that I was able to trace back to a very old PC doing a very important task. Moving everything this PC does to a new one won't be easy, but we can't risk another failure.
4. Just finalizing the installation of our new email spam filtering system. Things have been going very well as the system learns more and more about what is acceptable. We capture and block on average more than 2,000 messages a day!
5. I have also started the process of upgrading our web content filtering system. It largely protects us from bad sites that tend to host a lot of malware and spyware, as well as keeping users from inadvertently falling on inappropriate websites. I am still drawing up a schedule for how long this will take. This project has left the starting line and is moving along.
6. We were notified by AT&T about a phone line the Town has that they are cancelling due to non-use. I asked AT&T to provide me with a list of all phone numbers they have for the Town so we can see if there are other lines like this. There were none. Fairpoint and BayRing are performing the same exercise for us.
7. A new conference phone with external microphones should be installed in Chambers by the time you read this to facilitate meetings where not everyone is in attendance.
8. I have started inventorying all of our battery backup systems as we had one fail this week. These devices are easy to setup and forget about (that's how they are marketed)! I will be refreshing the ones that haven't had a new battery in years.
9. Making good progress on the proposed new website from Virtual Town Hall. We will be having Department Head meetings on August 20th so each department can specify what their presence on the web should include.

	<u>Budget</u>	<u>Month Exp.</u>	<u>YTD Exp</u>	<u>Amount Remaining</u>	<u>% Expended</u>	<u>% Expended Previous Yr</u>
<i>IT Total</i>	138,744.00	10,863.03	10,863.03	127,880.97	8%	3%

Building Inspector/Code Enforcement Officer

Current Activities

- In addition to the regular monthly inspection and consultation activities, the Building Safety and Health Department reports:
- The High School project is progressing well. The upgrades have enhanced the safety of the school. Some opportunities above and beyond the original scope of the summer project have been identified and acted upon to maximize the safety improvement. Specifically greater exit access corridor separation and electrical wiring upgrades. From a safety perspective, we should feel comfortable with the progress made.
- 13 Water Street re-development is underway. The developer is targeting a December occupancy for the four townhomes. The old Joyce's Kitchen building will be rehabilitated in a second phase.
- Awarded a certification grant from the New Hampshire Building Officials Association (NHBOA). This grant was used to obtain Fire Plans Examiner Certification.
- Attended NHBOA Footing and Deck Attachment Systems training.
- Coordinated the installation of the donated bicycle racks in the downtown. These racks were donated by the Newmarket Business Association and (Matt) Angell & Company, LLC
- Attended FEMA Community Flood Map Update with Town Planner
- Trained as back-up Town clock winder

	<u>Budget</u>	<u>Month Exp.</u>	<u>YTD Exp</u>	<u>Amount Remaining</u>	<u>% Expended</u>	<u>% Expended Previous Yr</u>
<i>Code Enforcement</i>	63,908.00	4,067.50	4,067.50	59,840.50	6%	5%
<i>Total</i>						

Report of the Town Clerk - Tax Collector

	CURRENT YEAR 2012-2013		PREVIOUS YEAR 2011-2012	
<u>PROPERTY TAXES</u>				
Total Amount Billed-1st Billing	8,725,668		9,483,369	
Uncollected* - As of July 31	393,812	4.51%	491,439	5.18%
Veteran Tax Credits	175,500		174,500	
Eld./Blind/Disable/Energy Exemptions	7,437,100		7,427,100	
Exemptions Resulting Tax Credit	176,036		187,980	
*Due Dates:	07/01/13		07/02/12	
<u>WATER & SEWER</u>				
Water Billed - 2013	458,498		462,668	
Sewer Billed - 2013	660,660		620,538	
Total Uncollected - As of July 31	195,317	17.45%	206,741	19.09%
<u>Liens - 2 years prior to Deeding</u>				
Property Tax Amount Liened	248,049		270,860	
W/S Amount Liened	81,699		58,651	
# Properties Liened	127		134	
Uncollected - As of July 31	227,076	68.86%	256,350	77.80%
<u>Liens- 1 year prior to Deeding</u>				
Property Tax Amount Liened	270,860		263,574	
W/S Amount Liened	58,651		57,409	
# Properties Liened	134		123	
Uncollected - As of July 31	135,559	41.14%	126,991	39.56%
<u>Motor Vehicle ("MV")</u>				
Revenue - As of July 31	99,781		92,400	7.99% Increase
<u>Other Town "Non-MV" Revenue</u>				
Revenue - As of July 31	11,696		11,353	3.02% Increase
<u>STATE NH Revenue (MV, Vitals, Boats, Dogs)</u>				
Revenue - As of July 31	42,498		40,612	4.64%
> Early courtesy reminders sent to those with liens in jeopardy of deeding next spring (encouraging partial payments at any time to reduce/clear balances).				
> Effective July 1, Town retains larger portion of fee for each certified Vital Record issued.				
> Launch for new State Vital Records program rescheduled from Oct to April. All clerks will attend training this fall.				

- Part-time temporary clerk has completed Motor Vehicle training & now authorized to process motor vehicle transactions.
- Organizing information required for upcoming audit.

	<u>Budget</u>	<u>Month Exp.</u>	<u>YTD Exp</u>	<u>Amount Remaining</u>	<u>% Expended</u>	<u>% Expended Previous Yr</u>
<i>Town Clerk - Tax Collector Total</i>	182,130.00	12,648.69	12,648.69	169,481.31	7%	5%

Welfare

- New Welfare Inquiries Not resulting in applications but in referrals 37
- Ongoing cases that are requiring case management 16
- Total new (first time to this office) applications received this month 11

Notes:

Evictions are increasing with the warmer weather- we have several homeless cases, which are labor intensive. Unfortunately once someone or a family has been evicted it is hard to find them suitable housing- many landlords will not rent to a tenant with an eviction on their record.

We have partnered again with evaluating the recreation camp scholarship financial applications at Jim Hilton’s request. I am meeting with the school personnel, Jim and clients to determine who is eligible for this type of assistance. It is my understanding that these scholarships are funded entirely from donations for this purpose to the recreation department. This year the number of applications for this scholarship far exceeds that of previous years. One challenge that has been coming up is that families are asking for scholarships for camps outside of the Town Recreation Department program. They hear that there is funds for camp scholarships and they want to attend another camp- the Y camp, or Seacoast Science Center etc. I am then forced to explain our camp scholarships are limited to the Town Recreation program. This request for outside Town rec-camp has been particularly notable in working families of limited socio-economic means. The rationale that I am hearing is that the hours of the Town Rec. Camp 8:30-4 does not allow for a working parent to work an 8 or 8.5 hour shift, nor does it allow for commuting time. The majority of other camps/recreation programs have before and after care to accommodate working parents or an 8 hour program with staggered drop-off/pickup times. This issue is not just impacting scholarship applications but parents who are seeking care for children during the summer and cannot utilize the recreation program because of the limited hours. Some parents who work minimum wage jobs or just above minimum wage jobs are taking the summer off and indicating that they will then be seeking town assistance with an electric bill because they cannot find affordable care for their child and the Town Recreation program does not work for them-(even with scholarship assistance) if for instance, they work at McDonalds in Portsmouth, or the Mall in Newington.

	<u>Budget</u>	<u>Month Exp.</u>	<u>YTD Exp</u>	<u>Amount Remaining</u>	<u>% Expended</u>	<u>% Expended Previous Yr</u>
<i>Direct Assistance</i>	64,200.00	2,160.00	2,160.00	62,040.00	3%	1%

Planning Department

Planning Board Activities

Re-zoning Proposal. This concerns a proposal to re-zone a portion of the B-1 and R-2 Zoning Districts to expand mixed-use functions within the downtown to promote positive economic development. During the month of July, the Town Planner provided commentary to the Town Administrator regarding an amendment to modify the re-zoning proposal. In addition to attending the July 24 Council workshop regarding the amendments, the Town Planner revised the proposed zoning language, map and resolution, so that it could be presented to the Town Council for a public hearing on August 7, 2013. The proposed amendments, which were passed at the meeting on August 7, involved adding additional criteria to the Special Use Permit process regarding site suitability, external impacts, and fiscal impacts; establishing a new M-2 A Zoning District; making the requirements for fiscal and market studies mandatory for projects involving multi-family units over three (3) units; restricting the number of bedrooms and size units; and requiring that there be an increase in net revenues to the Town as a pre-requisite for mixed-use developments within the new M-2 A zoning district.

Applications. The following applications were considered at the most recent Planning Board meeting:

Rockingham Junction, LLC, has submitted a proposal for a site plan to renovate the existing train depot for a twenty seat bar and lounge and a one bedroom apartment. A public hearing was held on the application at the 2013 Planning Board meeting. The property is located at the intersection of Old Route 108 and Ash Swamp Road, Tax Map R3, Lot 13-A, B-1 Zone, near the Newfields town line. The Planning Board has accepted the application for technical review to allow coordination with the Town of Newfields, the NH Division of Parks and Recreation, the New Hampshire Department of Transportation and NH Bureau of Forests and Lands. The property is adjacent to the Rockingham Recreation Trail which is a very popular regional multi-use trail. The application has been continued to the September 10 meeting of the Planning Board.

Chinburg Builders, Inc. have submitted an application and plans to develop a residential open space design subdivision, involving 52 house lots, at the site of the "Rockingham County Club" at 200 Exeter Road. A public hearing was held by the Planning Board on August 13, 2013. The plan envisions the golf course to be preserved as open space as part of the subdivision and remain open to the public. The Planning Board will be conducting a site walk of the property on Saturday, September 7, 2013 at 8:00 a.m. The application has been continued to the September 10 meeting of the Planning Board.

Master Plan Update

- The next chapter for update is the Future Land Use Chapter, which will include a climate adaptation and resiliency focus. It will identify community vulnerabilities and establish goals to protect coastal infrastructure and resources from future flooding hazards. There

is interest in conducting some kind of visioning session as part of this project to help define the community's goals for future land use, possibly in conjunction with a similar effort being undertaken by the Town's economic development committee.

Zoning Board of Adjustment

- The Zoning Board of Adjustment met on August 5, 2013 and voted to grant a Special Exception to F. J. Durell Corporation/Perkins Agency Inc./David Loiselle at 195 South Main Street, Tax Map U4, Lot 27, M3 Zone to permit a single-family dwelling to be converted to a professional office for an insurance business and to allow a residential unit on the second floor.
- The Zoning Board of Adjustment adopted amendments to its Rules of Procedure at its meeting on August 5.

Special Projects

Pedestrian Bridge

The Town Planner attended a mandatory state meeting on July 23, 2013 regarding the TE grant. The Transportation Enhancement Program (TE) program was not renewed as a result of the new federal transportation program known as MAP-21. There are concerns that if funds are not obligated in a timely fashion that the TE funds that have been received by the Town for this project may be in jeopardy of being revoked. Dubois-King, the Town's consultant, has provided a draft report regarding the feasibility phase of the Pedestrian Stair Tower/Sky Bridge. The committee is expected to meet on August 21 to review draft comments and to finalize the report for distribution to the Town Council at the end of August. The committee would like to schedule a public hearing on this project for the September 18 Town Council meeting and to discuss possible funding scenarios to move forward with the project. In order for that to be possible, the Town would have to raise and seek additional funding in the amount of \$600,000 - \$720,000 as the project budget with federal funds is capped at \$631,950 dollars.

Macallen Dam

Dam Removal Feasibility Study. Due to complications with the town's appropriation of funds, this project was tabled at the July meeting of the Town Council. A proposal was suggested at the August Town Council business meeting to utilize available local funds through the Macallen Dam Capital Reserve fund. This discussion will be continued at the September Town Council business meeting after a legal opinion is sought on whether capital reserve funds can be used for the purpose of studying the feasibility of dam removal. The Town has received an extension from The Conservation Law Foundation on the \$40,000 NOAA grant to April 2014.

Route 108 Shoulder Widening and Bike Path Construction Project.

In 2010, the Town Meeting approved a warrant article to raise and appropriate the sum of \$809,292 to allow the Town to construct a bicycle shoulder project from the Irving Gas Station to the Newmarket/Newfields town line. The NH DOT and Federal Highway Administration (FHWA) is providing funding under the federal Congestion Mitigation and Air Quality Improvement Program. We have received confirmation from the New Hampshire Department of Transportation (NHDOT) that the State will be providing the matching funds for this project, so the entire project will be funded at 100% without the need for any local matching funds. The Town has issued a Request for Qualifications to hire an engineer to move forward with the preliminary design and engineering. Engineering proposals are due on September 5.

	<u>Budget</u>	<u>Month Exp.</u>	<u>YTD Exp</u>	<u>Amount Remaining</u>	<u>% Expended</u>	<u>% Expended Previous Yr</u>
Planning Total	120,113.00	6,109.57	6,109.57	114,003.43	5%	5%

Finance Department

Department's primary function:

- Process accounts payable, payroll, and accounts receivables not under the control of the Tax Collector.
- Monitor human resources, fiscal budget, and financial analysis and forecasting.
- Providing financial assistance and analysis to Town Departments.

Essentially, we are the “fiscal watchdog;” however, we are mindful that we are simply a service organization to other departments and the Town’s elected leaders.

Projects:

Projects have been segregated into two groups, where “major” projects require most of our attention, while “minor” projects does not.

Major Projects

- Personnel manual update – Changes have been proposed and will be sent to the Town Council by the Town Administrator.
- Chart of account revision – We tried to perform the conversion; however, we are waiting for Munismart to expand the database to accept the new account mask.
- Utility Assessment – No change from prior report.
- State Reporting – We have prepared our first draft of the MS-5, which reports the Town’s financial position to the State. Other than the MS-1 (which reports assessed values to the Town), the MS-5 is the last report the State needs prior to setting the tax rate.

Minor Projects

- 2013 Audit – We are almost ready for the audit, which is schedule for the end of August.
- Accounts receivables (non-tax related A/R) – We continued our monthly receivable collections efforts. We have brought a small claims resolution to the Town Council for an unpaid A/R.
- Eviction – The Town officially took control of the garage. We are waiting for available staff time to clean out the garage in preparation for its sale.
- FY 2015 Budget Preparation – We are focusing on accurate personnel costs and position control. More specifically, full-time equivalency (FTE) for each position, which is a requirement for the Affordable Health Care Act. We have begun to meet departments regarding their budgets, which should be finalized by the end of next week.

Financial Highlights:

- FY 2013 budget highlights will be presented to the Town Council at the next meeting.
- The Month of July revenues and expenditures are in line with expectations, except for the following:
 - Planning/Zoning receipts exceed budgeted revenues, due to one receipt. We are considering increasing this budget prior to setting the tax rate.
 - You will notice many of the once-a-year payments were processed in July. Examples are the Town’s liability insurance and social service grants.

	<u>Budget</u>	<u>Month Exp.</u>	<u>YTD Exp</u>	<u>Amount Remaining</u>	<u>% Remaining</u>	<u>% Expended Previous Yr</u>
Finance	209,685.00	6,111.47	6,111.47	203,573.53	3%	4%
Human Resources	1,363,233.67	180,147.90	180,147.90	1,183,085.77	13%	16%

Recreation Department

August 2013 Recreation Report to the Newmarket Town Council

Recreation revenue for the new 2013-14 fiscal year to date is \$23,542.03 which is right on track in comparison to last year revenue numbers.

The Recreation Department Wanna Iguana Day Camp program is in its seventh and final week of operation. The camp has been very successful and camp numbers continue to be high with many campers attending camp every day. The camp was featured on the front page on Tuesday, August 13th of the Exeter Newsletter in a large article entitled "A Summer to Remember" which outlined the camp's success and the increased enrollment this year. The article also gave a perspective from the campers' point of view and was a very positive depiction of how Newmarket Recreation has provided such a great option to its residents that is a quality camp experience and an affordable one too. Friends of Newmarket Recreation purchased an inflatable dry/water slide that has been the big attraction over the last three weeks of camp. The campers are raving about how fun it is and how they can't wait to go back to the Wanna Iguana Camp.

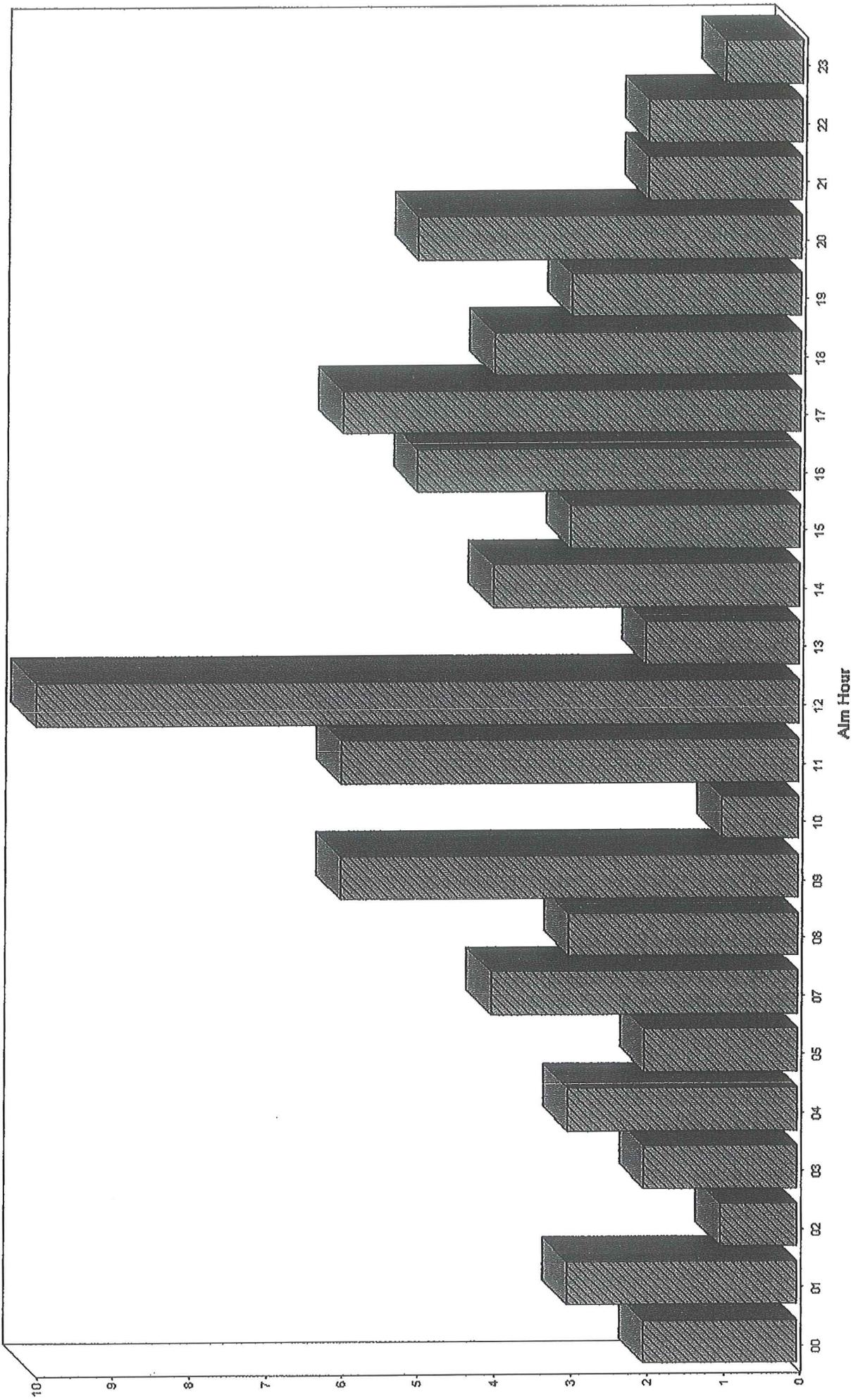
The Recreation Department ran its 25th Annual Drive In at the Movies for the camp and families of Newmarket over 220 parents and children attended this special event. The campers brought in their cardboard cars that they made for the occasion to watch "Iron Giant" the feature presentation along with a camp movie of the activities that were held at camp. This past Monday, the Camp ran its annual Newmarket has got Talent Show where there were over 30 acts. All of the acts were entertaining and many of the campers displayed some real incredible talent.

Fall soccer and flag football signups are underway. The soccer season begins on September 7th, the Saturday after Labor Day. Flag Football begins the first Tuesday in October and continues into mid-November. Wanna Iguana Mondays will continue this fall with great new class offerings that children can sign up for in 6 week intervals throughout the year. The new Flex and Focus dance studio will open again with a performing arts and dance from young dancers. Other dance classes are being planned for teens who want to learn hip hop or break dancing, to ballet for elementary school to ballroom dancing for adults

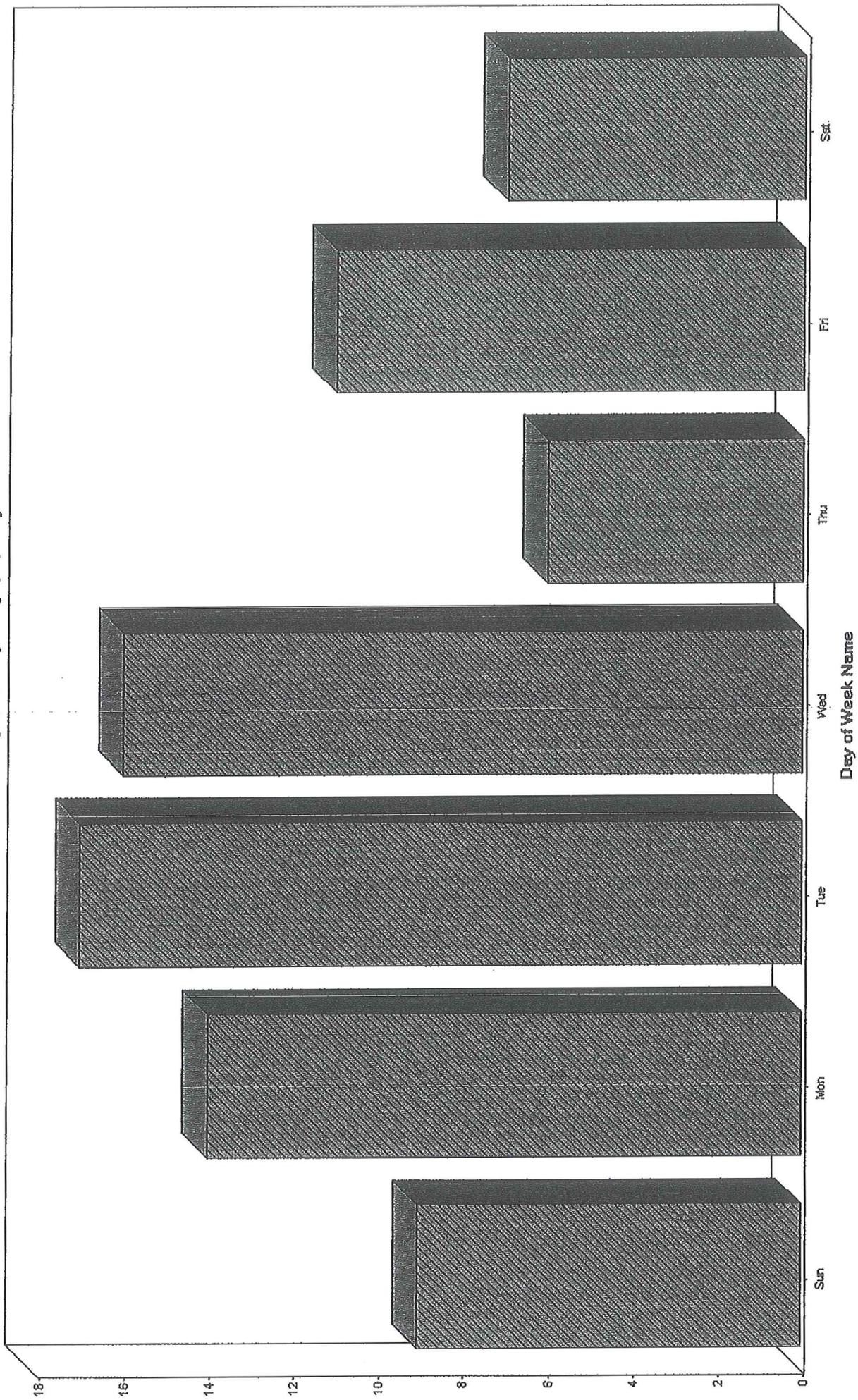
The Sunrise Sunset Center Special on August 8th was "All About Ethele" Ethele MacIntosh was involved in the Town of Newmarket as a volunteer and with the Recreation Department for over 40 years. She was remembered by people, pictures, and stories as a special tribute to her life as resident of Newmarket. Over 75 seniors, friends, and family attended this special. The Sunrise Sunset Activity Center is preparing their fall extravaganza entitled "The September Saddle Up," their 4th annual Sunrise Sunset Celebration, which will be held on Friday September 20th from 10:00 AM to 3:00 PM. The event will include a barbeque, a live country band, along with a special Sunrise Sunset Performance and will end with a Bingo Bonanza with great prizes for all.

	<u>Budget</u>	<u>Month Exp.</u>	<u>YTD Exp</u>	<u>Amount Remaining</u>	<u>% Used</u>	<u>% Expended Previous Yr</u>
Recreation	387,053.00	43,422.29	43,422.29	343,630.71	11%	11%

Court of Incidents by Alarm Hour
Alarm Date Between {07/01/2013} And {07/31/2013}



Incident Responses by Day of Week
Alarm Date Between {07/01/2013} And {07/31/2013}



NmktFire

Departmental Activity Report

Current Period: 07/01/2013 to 07/31/2013, Prior Period: 07/01/2012 to 07/31/2012

00:00 to 24:00

All Stations

All Shifts

All Units

Fire Alarm Responses, EMS Alarm Responses, Activities (Non-Incident), Departmental Events

Category	Current Period		Prior Period	
	Count	Staff Hrs	Count	Staff Hrs
Fire Alarm Situations				
Chemical release, reaction, or toxic condi	2	4.46	0	0.00
Combustible/flammable spills & leaks	0	0.00	1	2.22
Cover assignment, standby at fire station,	0	0.00	1	5.10
Dispatched and cancelled en route	0	0.00	1	0.90
Electrical wiring/equipment problem	1	0.60	1	0.75
Emergency medical service (EMS) Incident	45	121.25	55	326.19
False alarm and false call, Other	1	0.60	1	2.43
Good intent call, Other	1	0.28	2	2.87
Medical assist	0	0.00	4	6.59
Outside rubbish fire	0	0.00	1	6.80
Public service assistance	1	0.14	1	0.84
Rescue, emergency medical call (EMS), othe	3	7.07	0	0.00
Smoke, odor problem	2	6.05	1	2.25
Steam, Other gas mistaken for smoke	0	0.00	1	2.65
Structure Fire	4	42.12	4	71.25
System or detector malfunction	5	18.27	3	8.56
Unauthorized burning	1	0.15	0	0.00
Unintentional system/detector operation (r	13	31.06	12	22.20
Water or ice-related rescue	0	0.00	1	5.40
Water problem	1	2.04	0	0.00
Wrong location, no emergency found	0	0.00	1	8.70
	<u>80</u>	<u>234.09</u>	<u>91</u>	<u>475.70</u>

* Staff hours for Fire Alarm responses that have an associated EMS alarm record are considered shared hours. Shared hours are posted only with the EMS alarm responses to avoid duplication of staff hours in totals.

NmktFire

Departmental Activity Report

Current Period: 01/01/2013 to 07/31/2013, Prior Period: 01/01/2012 to 07/31/2012

00:00 to 24:00

All Stations

All Shifts

All Units

Fire Alarm Responses, EMS Alarm Responses, Activities (Non-Incident), Departmental Events

Category	Current Period		Prior Period	
	Count	Staff Hrs	Count	Staff Hrs
EMS Alarm Situations				
No Location Provided	0	0.00	1	0.48
	0	0.00	1	0.48
Fire Alarm Situations				
Accident, potential accident	1	9.75	0	0.00
Animal problem or rescue	0	0.00	1	0.60
Chemical release, reaction, or toxic condi	10	50.41	5	29.30
Citizen complaint	1	1.38	0	0.00
Combustible/flammable spills & leaks	4	60.62	8	25.10
Controlled burning	1	1.00	0	0.00
Cover assignment, standby at fire station,	4	83.13	4	61.66
Dispatched and cancelled en route	22	8.50	9	77.26
Electrical wiring/equipment problem	2	2.20	8	24.08
Emergency medical service (EMS) Incident	310	1,090.00	365	2,007.47
Extrication, rescue	0	0.00	1	5.92
False alarm and false call, Other	3	3.40	6	14.71
Fire in mobile property used as a fixed st	0	0.00	1	5.25
Fire, Other	1	1.80	0	0.00
Good intent call, Other	5	6.27	4	7.62
Hazardous condition, Other	1	0.68	1	9.66
HazMat release investigation w/no HazMat	2	0.96	0	0.00
Malicious, mischievous false alarm	1	0.72	2	12.79
Medical assist	3	23.82	5	7.55
Mobile property (vehicle) fire	2	4.58	2	7.70
Natural vegetation fire	3	15.50	2	5.64
Outside rubbish fire	0	0.00	6	13.11
Overpressure rupture from steam (no ensuir	1	224.82	0	0.00
Overpressure rupture, explosion, overheat,	1	4.77	1	99.50
Person in distress	3	3.73	5	4.34
Public service assistance	8	7.68	9	9.92
Rescue or EMS standby	0	0.00	3	4.34
Rescue, emergency medical call (EMS), othe	12	22.12	13	22.97
Service call, Other	2	3.00	6	9.12
Severe Weather & Natural Disaster - Other	0	0.00	1	0.80
Severe Weather & Natural Disaster - Specif	0	0.00	3	24.28

08/13/2013 12:56

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NmktFire

Departmental Activity Report

Current Period: 01/01/2013 to 07/31/2013, Prior Period: 01/01/2012 to 07/31/2012
 00:00 to 24:00
 All Stations
 All Shifts
 All Units

Fire Alarm Responses, EMS Alarm Responses, Activities (Non-Incident), Departmental Events

Category	Current Period		Prior Period	
	Count	Staff Hrs	Count	Staff Hrs
Fire Alarm Situations				
Special outside fire	0	0.00	2	3.60
Special type of incident, other	2	18.40	1	2.64
Steam, Other gas mistaken for smoke	0	0.00	1	2.65
Structure Fire	21	300.91	16	691.01
System or detector malfunction	19	49.47	14	32.87
Unauthorized burning	1	0.15	2	3.96
Unintentional system/detector operation (r	32	58.47	45	105.62
Water or ice-related rescue	0	0.00	1	5.40
Water problem	3	24.00	5	35.14
Wrong location, no emergency found	0	0.00	2	10.40
	<u>485</u>	<u>2,095.96</u>	<u>567</u>	<u>3,405.27</u>

* Staff hours for Fire Alarm responses that have an associated EMS alarm record are considered shared hours. Shared hours are posted only with the EMS alarm responses to avoid duplication of staff hours in totals.



**Town of Newmarket, New Hampshire
Town Council Workshop
August 21, 2013 7:00 p.m.
Town Council Chambers**

- 5. Town Council to Consider Reports from Council Rep Committees**

NEWMARKET PLANNING BOARD MEETING

JUNE 11, 2013

MINUTES

Present: Eric Botterman (Chairman), Rick McMenimen (Vice Chairman), Diane Hardy (Planner), Janice Rosa, John Brackett, Elizabeth Dudley, Dan Wright (Town Council ex officio), Jane Ford (Alternate)

Absent: Val Shelton excused

Called to order: 7:01 p.m.

Adjourned: 8:38 p.m.

Agenda Item #1 – Pledge of Allegiance

Agenda Item #2 – Public Comments

None.

Agenda Item #3 – Review & approval of minutes: 05/14/13

Action

Motion: Rick McMenimen made a motion to approve the Planning Board minutes of May 14, 2013 with corrections, if necessary

Second: Janice Rosa

Rick McMenimen stated on page 7, line 24, change “4k” to 4,000 square feet”.

Chairman Botterman appointed Jane Ford to replace Val Shelton. Val Shelton may be in late.

Vote: All in favor

Agenda Item #5 – Regular Business

Consideration of Alternate Appointment – Gabriel Jerome

Chairman Botterman thanked Gabriel Jerome for applying. He has applied for the Alternate position expiring in March 2014. The Board received his application and resume. Gabriel Jerome answered general questions. He had attended Plymouth State University and had taken classes on how a Planning Board works, zoning ordinances, environmental planning and other aspects of planning. He had to do a project involving site plans for the Towns of Plymouth and Walpole and coming up with a development. They went through the process of pitching an idea and having a mock Planning Board. He has looked at Newmarket's Zoning Ordinance and Master Plan.

Action

Motion: Janice Rosa made a motion to accept Gabriel Jerome for the Alternate position expiring in 2014
Second: Rick McMenimen
Vote: All in favor

The Wajda Family Real Estate Trust/ Cathleen A. Zocchi & Karl M. Wajda Trustees and the Town of Newmarket – Continuation of a public hearing for an application for a lot line adjustment, at 18 Lamprey River Park & Heron Point, Tax Map R2, Lots 86-18 and 119, R2 Zone. The proposal involves the conveyance of a 50' x 100' lot to the Wajda Family Real Estate Trust and an easement across the land of Wajda Family Real Estate Trust to the Town of Newmarket to provide the public access to the Heron Point conservation property.

Chairman Botterman stated that the proposal for the land swap has changed. They are going to do an easement over the property instead. Everyone had seen the letter from Attorney Richardson regarding this and Diane Hardy had provided a memo.

Bill Doucet, Doucet Survey Inc., represented the Wajda Family Real Estate Trust. He stated there was a meeting with the Town Attorney, Town Planner, the Wajdas' attorney, the Wajdas and himself. At that time, they discussed options and it was felt it was in the Town's best interest that, instead of a land swap, there be a lot line revision. He showed the changes on a plan. There will also be an access easement to the Heron Point conservation land.

Chairman Botterman stated Attorney Richardson put a package together with deeds. He went over Diane Hardy's memo.

Action

Motion: Janice Rosa made a motion to approve the revised plan with the following two conditions:

1. **The approval of the warranty deed documents, revocable license and access easements by the Conservation Commission, Town Council and the Town's legal counsel.**
2. **Approval of the plans by the Charitable Trust Unit of the Attorney General.**

Second: Rick McMenimen
Vote: All in favor

Newmarket Mills, LLC – Continuance of a public hearing for an application for Major Site Plan, at Main Street, Tax Map U2, Lots 60A and 61, B1 Zone (a proposed zoning amendment to change the zoning from B1 to M2 is under consideration by the Town Council at the time of this notice). The proposal is to construct a single story, 9,600 sq. ft. commercial building near Spring St at the west end of the Newmarket Mills parking lot. The structure will house various businesses, including a small grocery, restaurant, and retail shops.

Chairman Botterman stated Newmarket Mills, LLC, has requested a continuance until the next meeting on July 9, 2013.

Diane Hardy suggested the applicant give an update, at this time.

Matt Assia, Chinburg Properties, Inc., stated they are working on a revised rendering for the next meeting.

Jeff Clifford, Altus Engineering, spoke about the landscape plan that was submitted. He talked about an overview sheet of the project. Coming out of the Technical Review Committee (TRC), there were proposed changes to the library parking, changing it to diagonal parking with an island. There were some traffic flow changes and a four way stop intersection has been added. Some landscaping was added as part of that. There is a loss of two spaces to do this. Comparing supply to demand, they had an excess of 23 spaces. They moved the gas, the transformer, and the dumpsters. They will be adding an ADA accessible parking space back in. He spoke about the drainage plan. The area drains in two directions. He showed on the plan where the drainage goes. It is not much different than in the post-development condition. There will be green space added, so there is a decrease in the amount of impervious area. He showed where the rain garden will go. They provided traffic memos. 75% of the traffic will exit to Main Street. He explained how the turn radius of trucks would be affected by the proposed access drives. He explained the function of the rain garden.

Diane Hardy stated it was suggested to her there be some kind of pedestrian connection between Main Street, the Riverdale lot, and the retail building. There could be some kind of pathway or sidewalk along the interior of one of the islands. She asked if it would be possible to have some kind of pervious pavers that could provide this connection. Jeff Clifford stated

he has not spoken to Chinburg Properties about it. He pointed out that this would affect the rain garden and its purpose. The rain garden provides superior water quality treatment over porous pavers. If they made that area wider for a pedestrian connection, they would lose 18 parking spaces. Diane Hardy stated the Brickyard Square development in Epping has a meandering walkway through the island that includes pavers and pockets of greenery. She wondered if they could work this out for this location to serve the pedestrian access needs. Jeff Clifford stated it is not wide enough to incorporate it. Eric Botterman stated he is familiar with the Epping location and people do not use it. They do not even plow it in the winter time. It's a place to store snow. It would be a great idea here if there was room for an island, but there is not. Everyone in town says we need to have as much parking as we can. There is concern about the parking situation downtown. He stated we cannot afford to lose any parking spaces.

Chairman Botterman opened the public hearing.

Sandy Allen, Chairman of the Library Trustees, stated they had a presentation at their meeting a month ago talking about how this would affect parking at the library. She described the current parking. They stand to lose two parking spaces with the proposed layout. They have a lot of mothers with children and older people who use the library and need to park close by.

Joan DeYoreo, Bay Road, stated the explanation for the diagonal parking is it would make it safer. They have to be careful pulling in and backing out the way it is now. The diagonal parking causes them to lose a staff parking space and a handicap space. The main concern is safety with cars going in and out. The reconfiguration has a four way stop intersection. There will be no need for diagonal parking, if the four way stop system is going to be installed. They would prefer the parking be kept the way it is now, with straight in parking. Jeff Clifford they will still lose one parking spot with the island added. Diane Hardy stated the island is critical to defining the traffic-way and slowing cars down.

Chairman Botterman asked Jeff Clifford to make an updated parking plan and then they can meet with TRC and the Library Trustees.

Diane Hardy stated it appears that Elm Street's sidewalks are wide. A question was asked of her whether the sidewalks could be made a little narrower and they could provide some parallel parking along Elm Street, which would provide five or six more parking spaces. Chairman Botterman asked if the Town really wanted that. The Town just spent millions widening sidewalks on Main Street. He felt this was outside the scope of this project and, if it was something the Town wanted to do on their own, they could. They could look at it conceptually, but he would not support forcing them to do that as part of this project. Jeff Clifford stated it would be expensive to narrow that sidewalk.

There was a discussion about the location of the book drop-off.

Action

- Motion:** Rick McMenimen made a motion to continue the public hearing for an application for Major Site Plan, at Main Street, Tax Map U2, Lots 60A and 61, B1 Zone (a proposed zoning amendment to change the zoning from B1 to M2 is under consideration by the Town Council at the time of this notice). The proposal is to construct a single story, 9,600 sq. ft. commercial building near Spring St at the west end of the Newmarket Mills parking lot. The structure will house various businesses, including a small grocery, restaurant, and retail shops to the July 9, 2013 Planning Board meeting.
- Second:** Janice Rosa
- Vote:** All in favor

There will be a public hearing for an application for Design Review requested by Chinburg Builders, Inc, at 200 Exeter Road, Tax Map R3, Lot 23, M4 Zone. The proposal is for the creation of 52 house lots and supporting infrastructure on 12.5 acres and the preservation of approximately 91.5 acres for perpetual use as a golf course or open space.

Eric Chinburg, Chinburg Builders, stated they are working with the owners of the Rockingham Golf Course and they have it under agreement. They would like to take advantage of the Open Space Development zoning to create small lots and conserve larger portions of land. Eric Weinreb, Altus Engineering, and Matt Assia, Chinburg Builders, Inc., were present. They have worked hard to create the 52 house lots in such a way that they do not impact the golf course. Over 90 acres of the 105 acre tract are preserved. The golf course would remain as a golf course on a single lot. It would be deeded with conservation restrictions and would have language that the lot would be retained as a golf course or open space conservation land. The property that houses the pro shop, the barn, and home would be on a separate lot.

Chairman Botterman asked if the golf course would remain Town property or would it belong to the homeowners association. Eric Chinburg stated that is to be determined. Their idea is to create a separate lot of record that is the golf course, so they could lease it for a dollar a year for 99 years to someone who knows how to run golf courses. If the Town wanted to run it, that would be a conversation they could have. They do not look to the golf course as part of the economic engine that drives this project. To them, it is open space land for the development and they do not know how to run golf courses.

Chairman Botterman opened the public hearing.

Mike McNeill, 10 Ash Swamp Road, stated he lived right on the golf course. His concern is how this will impact his property. He has golf balls bombarding him all the time. He lives right on the first hole. It is a dog leg. There is an inadequate fence there now. The balls destroy his property. He understands accidents happen and he lives on a golf course. A

big problem is the dog leg and that people try to shoot over it, which is right at his house. That is not an accident. He requests proper fencing be put up to protect his home and allow him to use his yard like anyone else. The traffic on the corner is also a concern. He asked if a deceleration lane could go in at the entrance. Chairman Botterman stated that Route 108 is a State highway and it would be up to the State to decide when they look at their highway access permit application.

Ed Portyrata, 177 Exeter Road, stated the sewer comes up to the top of the hill on Route 108 near the golf course. He did not know where they would hook into water and sewer. Chairman Botterman stated he did not know if they have figured it all out yet, but he assumes they would come down Route 108 with it and extend what is there. If they have to increase capacity, they will do that. They will have to put in fire hydrants. They have to meet insurance requirements for fire flows. Ed Portyrata asked if these were single family houses. Chairman Botterman stated they were single family. Ed Portyrata asked how many rooms they would have. Chairman Botterman stated he did not know if that had been determined. Ed Portyrata stated that curve on Route 108 near the golf course is dangerous. Chairman Botterman stated they would have to meet requirements for site distance. The State Department of Transportation (DOT) would make sure they meet the requirements for safe exiting and entering. Ed Portyrata stated it was bumper to bumper in the golf course area in the morning and evening commuting times. He thought the road might have to be widened. He stated the sewer line is new, but the water line is where the problem is. He would think they would have to put a bigger water line in. Chairman Botterman stated the engineer would have to determine that. Ed Portyrata stated the traffic will be bad coming out of that new road onto Route 108. From Hersey Lane up, cars speed up to the corner. Chairman Botterman stated there will be a lot of discussion on this.

Sonke Dornblut, 351 Wadleigh Falls Road, asked about the public use of the open space. He would love for the space to be used in a significant and designed way for recreational uses.

Eric Chinburg gave a review of things they have already done. They have met with Sean Grieg, Water & Wastewater Superintendent at Public Works, and determined there is adequate sewer within reach, by the Industrial Park. The water is far away and there is an inadequate line running there. They assume they would be upgrading the line to this site, which would benefit a couple of other users who are downstream of that. There are three waivers required. Two of them have to do with road design. They spoke with Rick Malasky, Director of Public Works and Fire Chief, and they would need a waiver for the cul-de-sac length and the roadway width. They would like 22 feet in width instead of 24 feet, to make it more rural. Rick Malasky had no concerns with those. The third waiver is because there are two different bits of information in site plan vs. zoning on the open space wetland buffer. They are requesting some relief from the setback. Since this is within subdivision regulations, it can be waived. If that setback could not be waived, they would have to do a conventional subdivision. It would not work out for an open space subdivision. He stated he believed in creating the proper easements across the golf course, so that in winter time it could be used by the public in a recreational manner.

Ed Portyrata stated the speed limit in that area is 40 miles per hour. Cars typically go 50 miles per hour. The speed limit would have to be changed. Chairman Botterman stated the State would be in charge of that.

Chairman Botterman stated he has no issue with the waivers. Diane Hardy stated the Board has waived the road width requirement in the past for other subdivisions.

Elizabeth Dudley asked about the houses near the road. Elizabeth wanted the architect to consider how the houses will look from the road. Rick McMenimen stated there is a 75 foot buffer there.

John Brackett stated he liked the plan.

Dan Wright stated the length of the cul-de-sac was a concern. He stated this road is close to a half mile in length. He felt that was a lot. He stated it should be connected to Ladyslipper Drive. Chairman Botterman stated there are wetlands there that he did not think the State would let them fill. Eric Weinreb, Altus Engineering, stated they looked at that. It required wetlands impacts that would go into prime wetlands. One of the nice things with this proposed subdivision is there are no wetland impacts in this project. They are also honoring the privacy of the people on Ladyslipper Drive in not having cars cutting through their subdivision. It is a better neighborhood feeling by not giving cars the ability to cut through an existing development in order to get to other places. If the Town were to allow that, it would fragment the wetland system and take away value from the open space.

Dan Wright stated there was an issue with plowing. He asked why there was no hammerhead in one area for plows to turn around. Chairman Botterman stated they will stop plowing at the hammerhead that is shown on the plan and will not be plowing the area Dan Wright was asking about.

Dan Wright stated these will be three bedroom houses. He asked what the price range would be. He was concerned about the impact on the school system. Eric Weinreb stated most fiscal impact studies show 0.4 children per household in a new development. He stated these houses might be listed in the high 200s.

Jane Ford stated she had the same concerns about the number of units and density.

Janice Rosa stated she wished the request was coming in after the water and sewer issues and school issues were resolved. She shared the same concerns about infrastructure and the school impact. She hoped the golf course can stay. She hoped if it did go to open space, it did not go into conservation land. Conservation land would not be mowed or taken care of. The golf course as you now enter town is mowed and cared for. Conservation land is not.

Rick McMenimen was concerned about the access onto Route 108. There will be two close entrances onto the highway, one from Ash Swamp Road and one from the new development. Chairman Botterman stated NH DOT will resolve that.

Diane Hardy stated this project will be subject to impact fees. This will address any potential fiscal impacts to the Town.

Eric Chinburg he would like to get a good sense now of whether they are going to get stymied by the cul-de-sac length a month from now, so they do not waste a lot more engineering money. His understanding of the open space zoning is that the yield plan that they produced indicates the number of houses they could put in by right, on the golf course with 1 acre lots with septic and well without burdening the public sewer and water system and there would be no open space land conserved at all. In order to come up with this density, they had to do a yield plan and prove how many lots they could create, if they did a conventional subdivision. There is a trade off there. They do not see a way to do this with open space without this waiver for the cul-de-sac being granted. To go through and fight a battle about connecting Ladyslipper Drive to this subdivision is not something he wants to be involved in nor does he want to be involved in crossing that wetland. He would like to get a sense from the Board whether that is something they could overcome. He knows this is non-binding. Chairman Botterman stated NH DES would never give them a permit to go through those wetlands. He also stated, if they proposed to tie into Ladyslipper Drive, there would be a hundred people here from Ladyslipper Drive complaining that the road will be used as a shortcut and that they do not want the connection. He understood the concern about the cul-de-sac length. Typically, towns have cul-de-sac length maximums, because the Fire Department wants them. This subdivision will be on Town water and there will be fire hydrants, so getting there to fight a fire will not be a concern. With the Fire Chief/ DPW Director saying he is okay with the waivers, he is also okay with that. Elizabeth Dudley, Janice Rosa, and John Brackett stated they were okay with the cul-de-sac length. Jane Ford remained on the fence. Dan Wright stated he would not want them to go through to Ladyslipper, but he is concerned about the length of the roadway. He stated it was not a show stopper, but he is concerned.

Rick McMenimen asked if they could have the access on Ash Swamp Road. Eric Chinburg stated the golf course runs right along the route you would need to use to get to Ash Swamp Road. You would be affecting five or six holes.

Eric Chinburg stated there could be something stated in the deed that, if the golf course falls through, the Town could take it over as a municipal golf course.

Chairman Botterman stated where they are showing the access point, is probably the only place they can put it.

Agenda Item #6 – New/Old Business

Discussion - Landscape Regulations

Diane Hardy stated she and Elizabeth Dudley have a meeting on June 27 to discuss the comments received on the proposed regulations. They will modify the ordinance, as needed, and present the revised regulations to the Board, at a future meeting.

Chairman's Report

Chairman Botterman did not have anything new to report.

Committee Reports

Dan Wright stated on June 19, the Town Council will have Bruce Mayberry present for discussions on the M-2 zoning proposal and the Town Council hopes to vote on it. Chairman Botterman stated any Board members are welcome to attend.

CIP Committee

Rick McMenimen nominated Jane Ford as an Alternate Planning Board representative on the CIP Committee. She stated she was willing to do that.

Action

Motion: Rick McMenimen made a motion to appoint Jane Ford as an Alternate to the CIP Committee
Second: Janice Rosa
Vote: All in favor

Planner's Report

Diane Hardy stated she and Val Shelton will be meeting with the Town Council for the discussion on the M-2 zoning change.

Janice Rosa asked about the dam removal. Diane Hardy stated there is a work session with the Town Council and there will be a presentation by Wright Pierce Engineering regarding the dam breach analysis and cost estimates for repair. There will be a recommendation from the Dam Steering Committee to hire a consultant to work with the Town on the dam removal feasibility study.

Janice Rosa stated people are asking her about the pedestrian overpass. Diane Hardy stated they are looking into alternative funding sources. They have been asked by DOT to provide them with a funding plan to come up with the shortfall of \$600,000 to complete the project as envisioned. There is a potential source of funding, under the FHWA Highway Safety Improvement Program (HSIP) that the Town is considering for additional funding... Chairman Botterman stated although the Town has come up with an alternative design that is closer to the budget available, the State NH DOT will not approve the alternative because they feel it doesn't meet the requirements for public access.

Agenda Item #7 – Adjourn

Action

Motion: Janice Rosa made a motion to adjourn at 8:38 p.m.

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Second: **Rick McMenimen**
Vote: **All in favor**

NEWMARKET ZONING BOARD OF ADJUSTMENT MEETING

JUNE 27, 2013

MINUTES

Present: Chris Hawkins (Chairman), Wayne Rosa (Vice Chairman), Diane Hardy (Planner), Bob Daigle, Richard Shelton (Alternate), Brett Johnson (Alternate)

Absent: Bill Barr, Elaine Winn (both excused)

Called to order: 7:04 p.m.

Adjourned: 7:43 p.m.

Agenda Item #1 – Pledge of Allegiance

Agenda Item #2 – Review & approval of minutes

Action

Motion: Bob Daigle made a motion to accept the minutes as presented
Second: Wayne Rosa
Vote: Chairman Hawkins abstained due to absence
All others in favor

Agenda Item #3 – Regular Business

Chairman Hawkins appointed Alternates Richard Shelton and Brett Johnson to replace Bill Barr and Elaine Winn, who were absent. Both had looked at the application materials and felt prepared to move forward on the application.

Joseph & Elizabeth Valinski – Public hearing regarding property located at 32 Huckins Drive, Tax Map R5, Lot 107, R2 Zone, for Variances to permit the construction of a retaining wall in the front yard along the northerly boundary of the lot. Two variances are being requested. One concerns Section 5.03(C)(4) of the Zoning Ordinance, as the proposed construction will impact a 25 foot buffer around soils considered to be poorly drained soils or Hydric B wetland soils. The other pertains to Section 5.03(F), which allows such construction by a Special Use Permit, provided certain conditions are met. Because those conditions call for a mitigation

plan for increasing wetlands buffers elsewhere on the site, and/or the perpetual protection of an area of off-site wetlands, conditions which cannot be met, the applicant is requesting a Variance from this section of the Zoning Ordinance as well.

Diane Hardy stated there was a typo in the notice. The first variance should be to Section 5.03(C)(4). All abutters were notified.

Adam Cullinane, owner of Adam's Edens, a creative landscaping company, represented the applicants. Part of area that would be disturbed for construction of the retaining wall is within a wetlands buffer. The ordinance calls for the area to be mitigated. The way the existing area is and with the size of the area, there is no room to do any mitigation elsewhere on the property.

He stated the property off the driveway slopes down to the wetland and it is a barely mobile space, like a cliff. If a car leaked, the oil could wash down into the wetlands. They wanted to put the retaining wall in to raise the side lawns, so it is a more usable space. It will look better and any possible contaminants that come off the driveway would be filtered through the drainage system of the wall and be filtered before it enters the wetland. It is almost mitigation in itself.

Chairman Hawkins stated they have read the submitted materials and he was familiar with the property. The rest of the Board had looked at the lot. He explained for the public's benefit, that this lot is tucked in a back corner of the circle on Huckins Drive. It is well below grade and slopes back from the road. The property is backed to the west by some significant swamp area. It is a small lot. There is a significant drop off almost immediately from the road into the drainage area to which Mr. Cullinane was referring.

Chairman Hawkins asked Mr. Cullinane to give people an idea of the size of the retaining wall. Mr. Cullinane stated it would be roughly 90 feet long. The highest point would be about 5 to 5½ feet. That would taper down to about a foot at the lowest points. They would fill behind that and try to raise the lawn.

Chairman Hawkins stated, because of the size of the lot and the way it is configured, there is no opportunity to compensate with any upland area. Mr. Cullinane stated that was correct. It is tucked into the corner. The way it is set up, there is no way to mitigate.

Chairman Hawkins stated the house immediately to the south is well above the Valinski's property, so the Valinski's have water draining down through their property. Mr. Cullinane stated that was correct and this was a unique situation.

Chairman Hawkins suggested the Board adopt the material that was submitted with the application and their own observations of the property and incorporating that as their findings regarding the five variance criteria.

Richard Shelton stated the applicant should read the criteria responses for the public.

Mr. Cullinane read his responses to the five criteria submitted with the application.

Chairman Hawkins asked what impact the proposed construction will have on the drainage through the culvert. Mr. Cullinane stated there would be no impact. If anything, it would potentially direct it more into the wetlands, but he did not think it would change anything at all.

Bob Daigle asked where the culvert comes from. Mr. Cullinane stated it was further up the street on the left side as you exit the neighborhood. It goes quite a distance, before it comes out on the other side. The water is coming from further up the neighborhood and running to the wetlands. Wayne Rosa asked if he was going to relieve that at all with this project.

Mr. Cullinane stated he spoke with Rick Malasky, Director of Public Works, and he said, after the construction was completed, his department would be able to come in and clean that all up. If that was draining the way it should have been, it probably would have kept the wetlands further back and they would not have been a factor with this project. It was causing the wetlands to be closer.

Diane Hardy stated there has been a lot of paving in the area and that has increased the runoff, feeding the wetland. She stated Rick Malasky has been to the site and did not have a problem with this project.

Mr. Cullinane continued reading his written responses to the five criteria. The following is a summary of those written responses.

To the first criterion he stated the proposed wall does not conflict with the explicit or implicit purpose of the ordinance and does not alter the essential character of the neighborhood, threaten public health, safety or welfare or otherwise injure public rights. The existing wetlands buffers are most likely manmade. Over the years, sediment built up in the culvert and caused drainage issues. The Conservation Commission had stated the sediment has probably built up further downhill, too, closer to the original wetland boundary and created a larger area of poorly drained soil further uphill than what was existed when the lot was developed.

To the second criterion he stated the wall will help maintain the wetlands by filtering potential hazardous (contaminants) materials from entering the wetlands via the driveway. It will help prevent further erosion of the existing hill into the wetlands.

To the third criterion he stated the benefit to the homeowner will be they have a more normal and usable front lawn similar to the other properties in the neighborhood. It will be more aesthetically pleasing and there will be positive results for the wetland.

To the fourth criterion he stated the wall will look better and increase property value. It will be visible to neighboring homes. From driving around the neighborhood, it will be much more aesthetically-pleasing than what is there now.

To the fifth criterion, he stated the size of the lot and location relative to the wetlands does not allow for proper mitigation. The existing slope and area is unusable, unmowable and not aesthetically pleasing. The wall will benefit the wetlands area. In a way, this wall is a form of mitigation in itself. It will improve the existing terrain that is currently playing a role in affecting the wetlands in a potentially negative fashion.

Chairman Hawkins stated he agreed with the findings of the Conservation Commission based on his own observations of the property.

Mr. Cullinane stated they would be about 17' within the 25' buffer.

Richard Shelton stated this was a very complete response. He stated, if the Conservation Commission is supporting it, he did not have a problem granting this.

Wayne Rosa read some of the letter of support from the Conservation Commission.

Action

- Motion:** Wayne Rosa made a motion that they approve the variance for Joseph and Elizabeth Valinski for property located at 32 Huckins Drive, Tax Map R5, Lot 107, R2 Zone, for Variances to permit the construction of a retaining wall in the front yard along the northerly boundary of the lot. Two variances are being requested. One concerns Section 5.03(C)(4) of the Zoning Ordinance, as the proposed construction will impact a 25 foot buffer around soils considered to be poorly drained soils or Hydric B wetland soils.
- Second:** Richard Shelton
- Vote:** All in favor

Action

- Motion:** Richard Shelton made a motion, that (1) the existing retaining wall for many years has been located in the existing wetlands; (2) the proposed retaining wall, of which approximately 17-20 feet will be a continuation of that wall; is in the wetlands, and whereas, the wetlands of this lot at 32 Huckins Drive, is only .44 of an acre, with wetlands predominating the rear property; (3) this site is not conducive to replacing the impacted wetlands, as shown on the map on this property; (4) it is a statement of fact the improvements associated with the impacted wetland area, will have no negative effect to the area, and (5) the functional values of the improvements are

much greater than the impacted wetland so any mitigation proposal will not be required. A motion is, thereby, made to grant a variance from Section 5.03(F).

Second: Wayne Rosa
Vote: All in favor

Discussion & First Reading of amendments to the Zoning Board of Adjustment Rules of Procedure

Diane Hardy stated she made one change in the amendment section on page 8 to what had originally been given to the Board. She felt it read a little bit better. She felt the rest was fine and was consistent.

Wayne Rosa asked about the section on decisions. He stated it said decisions would be made within fourteen days. Diane Hardy stated she thought that was a carry-over from the Rules of Decision currently being utilized by the Board. Chairman Hawkins stated they always tried to make decisions within a reasonable time frame. He did not want to lock the Board into a time frame. Diane Hardy stated there was nothing in the State statute giving you a particular time frame. The Board may want to allow more time than fourteen days. Chairman Hawkins stated they should have the ability to waive the fourteen days, if they need to under appropriate circumstances. Richard Shelton stated there may be times when legal counsel is needed that would take longer. Diane Hardy stated there is a waiver section in the proposed amendment and she read it. Chairman Hawkins stated the Board is always timely, because it is fair, but they do not want to act hastily, because that does not do anyone any good. They decided to change the time frame to read "within 30 days".

Changes were made to the order of the agenda.

Chairman Hawkins stated Diane Hardy would make the changes and this would be brought forward at the next scheduled meeting for a Second Reading and further action as the Board may deem appropriate.

Agenda Item #4 – New/Old Business

Diane Hardy stated, at the May 20, 2013 meeting, there was a discussion of whether to rehear one of the special exception cases of William Pothier, 8 Bay Road, which was been denied. The 30-day appeal period has passed and the Board did not receive a formal appeal through the court. Mr. Pothier and his attorney met with the Building Official on Monday of this week to look at the existing building and try to determine the best way to modify the building to bring it into compliance. A number of different options were looked at and they are going back to look at the costs associated with those modifications. The Building Official did receive a letter from Mr. Pothier's attorney, Attorney Scott Hogan, requesting that the stop work order be lifted, so they could proceed with installing windows and stabilizing the structure. Attorney Hogan indicated any further work would be done in full compliance with

the recent Zoning Board decision. They will come back to the Building Official with plans. The stop work order will be lifted on that basis.

Agenda Item #5 – Adjourn

Action

Motion: Bob Daigle made a motion to adjourn at 7:43 p.m.
Second: Brett Johnson
Vote: All in favor

NEWMARKET ZONING BOARD OF ADJUSTMENT MEETING

JULY 15, 2013

MINUTES

Present: Chris Hawkins (Chairman), Wayne Rosa (Vice Chairman), Diane Hardy (Zoning Administrator), Bob Daigle, Elaine Winn, Richard Shelton (Alternate), Brett Johnson (Alternate)

Absent: Bill Barr (excused)

Called to order: 7:01 p.m.

Adjourned: 7:26 p.m.

Agenda Item #1 – Pledge of Allegiance

Chairman Hawkins appointed Richard Shelton to fill in for Bill Barr.

Agenda Item #2 – Review & approval of minutes: 06/27/13

Action

Motion: Bob Daigle made a motion to accept minutes as transmitted
Second: Richard Shelton
Vote: All in favor
Elaine Winn abstained due to absence

Agenda Item #3 – Regular Business

Mark Piekarski and Lennel Stroud - Public hearing for a Variance regarding property at 48 Smith Garrison Road, Newmarket, NH, Tax Map R2, Lot 51, R1 Zone, reference Section 3.04(B), of the Newmarket Zoning Ordinance to permit the construction of a 14' x 24' shed ten feet from the property line where a twenty five foot setback is required.

Diane Hardy stated all abutters had been notified.

Mark Piekarski referred back to his written answers to the criteria. He stated the reason for the request for a variance is the proposed shed will be placed in the most aesthetically pleasing location on the property. The previous owner had a box trailer on wheels on this pad next to the garage. The proposed location falls over the setback line. He would like to have the shed constructed to match the character of his home and neighboring structures. It is isolated in that location.

Chairman Hawkins stated Mr. Piekarski had stated, in his application, there were other areas where he could place a shed on the property without getting into the setback. He asked Mr. Piekarski what conditions existed that make it reasonably necessary to have the shed only in the proposed location. Mr. Piekarski stated, if he locates the shed in another area, he gets into juggling with the leachfield and septic system locations. He indicated on a plan where those were. He stated those areas were fairly flat, as they were graded that way when they were installed. He showed on a septic plan how the property is hilly and the proposed site next to the garage is flat with crushed stone and a pad put in by the previous owner. This is the least obtrusive place to install the shed. If he gets into the other flat area, he is into his leachfield and septic. The proposed location is tucked away on the property. He has spoken to the nearest property owner, John Ahlgren, and he did not have an issue. He was not present at the meeting. He stated this is a heavily wooded area.

Richard Shelton had taken some photos of the site and showed them to the Board. They were placed in the file, as part of the record. He stated he knew the property, as he used to go fishing with the previous owner. To the right, it is pretty hilly, with rolling lawn and trees. The applicant is also trying to skirt the septic system. Below the house is pretty soft and wet when it rains. The shed would be in the river setback there. The only logical place is where the applicant is proposing it. He did not feel there was another place for the shed on the property.

Chairman Hawkins stated conditions of the property that affect the shed location were that the area is hilly and the septic system location is a problem. He stated there is also a Shoreline Protection Area setback involved and another location for the shed is too wet and the ground too soft.

Wayne Rosa stated, from the site plan, the septic system side of the house cannot be used. This area extends all the way to the front of the house. He agreed the proposed location was the only place to put it.

Chairman Hawkins stated this property is isolated from its neighbors.

Action

Motion: Richard Shelton made a motion that the proximity of the shed will not be visible from Smith Garrison Road and will not affect the character of the neighborhood. The location of the shed within the 25 foot setback within ten feet from the property line will not affect the neighboring property, as the adjacent area is well wooded. As this pristine lot of 2.5 plus acres on the Lamprey River, with the landscape of rolling lawns and trees, would cause the applicant undue hardship to attempt to locate the shed elsewhere on the property, I will make a motion to grant the applicant a variance from Section 3.04(B) to place the shed within the 25 foot setback to within 10 feet of the property line. The property is located at 48 Smith Garrison Road, Tax Map R2, lot 51, in the R1 Zone.

Second: Wayne Rosa

Bob Daigle suggested they add language that the alternative site is already occupied by the septic system. Richard Shelton stated they could add that in. Wayne Rosa seconded. (No formal motion was made or voted upon.)

Vote: All in favor

Second Reading of Amendments to Zoning Board of Adjustment Rules of Procedure.

Wayne Rosa asked, on page 2, number 3, if members and alternates had to reside in town. Diane Hardy stated they both did have to reside in town.

Wayne Rosa verified, on page 6, item C, if members and alternates of the Board were both supposed to be included in that item. Diane Hardy stated they both were supposed to be included.

Wayne Rosa asked if, on page 7, number 6, it would be clearer to state the number of days involved. Diane Hardy said the number of days is stated in number 7.

Wayne Rosa stated, on page 2, number 2, it said, "Once the Board moves into deliberations, Alternates shall remove themselves from the table and no longer participate with the Board." Diane Hardy stated that is recommended. It is not in the law. The Office of Energy and Planning provides guidance to Zoning Boards and, in their most recent handbook, they recommend, at the deliberation stage, if the board member is not voting, they should move to the floor. The reason for that is so the public is not confused as to whether the person is voting. Wayne Rosa stated he did not have a problem with it, but the Board has to be careful. To have a good, participating Alternate, the Alternate has to be able to participate or they will not attend meetings. However, when the applicant sits out there and sees five regular members and then two or three Alternates and the Alternates do not vote, but have influence, it made him conflicted on how to approach this issue. Bob Daigle stated the way he

understood it was, if the Alternate is not replacing a regular member, he can take part in the discussion. When the Board sits down to make a decision, they should not have input at that point. Wayne Rosa stated the Board has not been doing that. Chairman Hawkins stated this should be at the Chair's discretion. If an Alternate is dominating the deliberations, that is not appropriate. He was concerned about these little "trip wires" being spelled out in the rules. He used the example where tonight Brett didn't physically move away from the table, but he did not say anything during deliberations. Chairman Hawkins stated he had no problem with that at all. Diane Hardy explained these are only recommendations. It is up to the Board what to include. Chairman Hawkins would rather that this item state "Alternates shall refrain from participating in deliberations, once the public hearing is closed." He stated it is helpful to have an Alternate bring things out that other members may not have thought about, but when the public hearing is closed, it should be the voting members who participate at that point. Diane Hardy suggested that the item read, "Once the Board moves into deliberations, Alternates shall refrain from participation in discussions with the Board." Chairman Hawkins stated he would let her work out the phrasing, but he agreed with that concept. He would like the Board to take one last look at the revisions and vote on it in a couple of weeks at the next meeting.

Agenda Item #4 – Other Business

None.

Agenda Item #5 - Adjourn

Action

Motion: Bob Daigle made a motion to adjourn at 7:26 p.m.
Second: Elaine Winn
Vote: All in favor

DRAFT

**TOWN OF NEWMARKET, NEW HAMPSHIRE
CHARTER COMMISSION
AUGUST 12, 2013
DRAFT MINUTES**

Commissioners present: Chair Clay Mitchell, Vice Chair Phil Nazzaro, Secretary Chris Hawkins, Bruce Hawkins, Sr., Toni Weinstein, Al Zink, Leo Filion, Kevin Cyr

Excused: John Badger

Chair Mitchell called the meeting to order, followed by the Pledge of Allegiance.

PUBLIC INPUT AND SPEAKERS

Bert Allen of Smith Garrison Road spoke about Commissioner Filion's idea for creating a water/sewer district, and suggested that this be handled through a 501C. He said this would allow all rate payers to vote as members of the district. He spoke about large expenses the town and school have along with anticipated increases in costs for large projects.

Ellen Snyder of Johnson Drive spoke as a resident, not as a member of the Budget Committee. She thanked the Commission for the opportunity to share ideas, and commended the members for their commitment. She agreed with the importance of continuing to build trust, transparency and accountability to enhance communication with the community. She did not think there was the time or the need to change the structure of government at this time, but felt there should be more frequent reviews of the Charter, and on-going research of pros and cons of types of government. She felt the roles and responsibilities of the Town Administrator should be more clearly defined in the Charter. She thought the need for a Budget Committee should be evaluated to determine if it served as a system of checks and balances or if it had become redundant considering the budget was reviewed by the Town Council, School Board, and the Deliberative Session. If the Budget Committee was considered useful, she felt its role and responsibilities should be clarified in the Charter. She said she did not know if long-range budget forecasting belonged in the Charter. She said she supported a stronger role for the Town Council in creating a vision for the community, and less emphasis on the day-to-day operations of the town, which were the domain of the Town Administrator. To enhance communication and transparency, even though this might not be an item for the Charter, she favored enhancing the weekly newsletter and town's web site, and holding Community Forums on topics of interest, as had been done the previous year on the wastewater treatment facility. She encouraged the Council and School Board to meet at least once annually to share information and discuss items of mutual interest, and said she would like to see a shared newsletter.

Chair Mitchell asked if Ms. Snyder would be willing to answer any questions the Commissioners had about the Budget Committee process. The Charter specifies that Committee have 11 members, 9 at-large and one representative each from the Council and School Board. Commissioner Filion said the influence and authority of the Committee had been reduced over the years as the state statutes had changed. In the past, if a warrant article was not recommended by the Budget Committee, it would not even be discussed by the voters. Then a 10% not-to-exceed rule was established, which can easily be waived at the Deliberative Session. Ms. Snyder was asked if the Committee was functional with 11 members. She said the role, in the 3 years she had been on the Board, was to put 2 numbers forward, one for the town and one for the school. She noted that the Budget Committee follows the same process as the Council and School Board in making budget recommendations before the public votes at the Deliberative Session. This gives the public many opportunities to review the budgets. Chair Mitchell said the structure of the Budget Committee was within the purview of the Charter

Commission, and he asked if there were frustrations with the Committee that could be alleviated with some structural changes. She said the process was lengthy leading to the final recommendations which can be changed, as they were last year on the school side, at the Deliberative Session. She added that Durham does not have a Budget Committee, and suggested the Commission look into their budgeting process.

Commissioner Hawkins asked what Ms. Snyder's understanding was of the Budget Committee's mission. She replied that the statute and Charter were broad, and the Committee was allowed to ask questions of any town department and administrator, but if that were done throughout the year, it would be intensive work. The Budget Law Book said the Committee would do 2 things: put forth a town budget and put forth a school budget for the next fiscal year. She felt there was a different sense of the mission among members. She felt some look forward to where the town is going, but for various reasons they also speak about the details of present and past budgets. The Committee cannot begin its work on the next budgets until they are presented by the Town and School in the fall. Commissioner Filion said the reason for the Budget Committee was to have a separation between those with the authority to prepare the budget and those with the authority to spend it. The spending has to be in compliance with the wishes of the Deliberative Session. The Budget Committee looks at what is affordable and reasonable, and Commissioner Bruce Hawkins said it acts as another set of eyes.

Commissioner Chris Hawkins said the role and mission of the Committee should be more clearly defined to reflect what it intends to accomplish. Ms. Snyder said that can change with the membership of the Committee. She said she could support having another set of eyes, but they should also look at changes in the state statute to see if the Committee's responsibilities needed to be refined in the Charter. Commissioner Nazzaro said he would like to see comparisons, from the time the Budget Committee was established, between figures recommended by the Town Council and School Board, the Budget Committee and the Deliberative Session. He felt that would be helpful in determining whether the Committee had been functioning as another sets of eyes. He said he liked the idea of having checks and balances, but the more committees there were, the thinner the group of willing volunteers was spread.

Commissioner Zink had spent 9 years on the Budget Committee. He said the focus of some was to have a winning argument as to what was presented, but he did not find that attitude beneficial. He felt the school and town budgets had different characters, and that it was more critical to look at the school for ways to save money. He said in terms of having another set of eyes, he did not think the efforts were successful. He felt that incoming members felt there were more opportunities to save with the school than with the town. He said he would hope that with the varying expertise of 11 members, there would be more suggestions of other ways to do things for cost savings, and that could perhaps be defined as part of their role. Commissioner Chris Hawkins stated one of the first things new Budget Committee members realize is the relatively small portion of the budget that is discretionary. He added that the budget doesn't drive policy, but policy should drive the budget. He asked when the last time was that a budget had failed. There was a discussion about the default budget being higher than the proposed budget over the last few years, and the makeup of the default budget figures. Commissioner Hawkins said if the budgets have passed, it seems like the Town Council and School Board are doing their job. Commissioner Filion added that anyone opposing the proposed budget was voting for a higher figure.

Chair Mitchell thanked Ms. Snyder for her work on the Budget Committee. She said she appreciated Commissioner Zink's suggestion, and felt the Committee had made some useful suggestions and hoped there would be more. She said, although they had no control over a budget once it was passed, some members were interested and asked questions. She felt this could be confusing, especially for new members, and felt they should look at what the statute allows and get legal advice as to guidance on the Committee's focus for the

Charter. LGC offers a full day training session for new officials in September but it is not compulsory. The Budget Committee had hosted an open workshop on budget law in July, and it was conducted in a way similar to a community forum. Commissioner Weinstein said, although the community forums were a good idea, she didn't know if the Charter Commission was the group to make them happen. Ms. Snyder said she agreed that the Charter couldn't solve everything, but offered her assistance to anyone wanting to hold a forum.

Larry Pickering of Ash Swamp Road said he was representing himself not any board. He felt that having 11 members on the Budget Committee was way too many and lengthened the process. He felt the Committee had a time and a place, but was now spinning its wheels, as any cuts made were frequently reinstated at the Deliberative Session. He hoped the Commission was not considering a Town Manager form of government, as a Town Manager has more authority than a Town Administrator, which could lead to a problem if, as in the past, the job was not being done correctly. He said the idea of a Charter Commission had been resurrected by the past Town Council's discussions with the Efficiency Committee to look at how to get control of town and school spending in Newmarket. The Town Council and voters approved the establishment of a Commission. He said he wanted to hear more about the possibilities for a change in government. The Efficiency Committee had produced alarming projections of future tax rates if the town and school kept spending at its current rate. He said in addition the community was now facing major expenses with the wastewater treatment plant, the Macallen Dam, the school and the additional well. He noted that the school was the largest employer in Newmarket, followed by the town, and there was a need to expand the tax base. He encouraged the Commission to look into other forms of government.

Commissioner Bruce Hawkins asked Mr. Pickering what type of government he felt would be best for the town. Mr. Pickering said that the town had a Board of Selectmen for many years, and then went to a Town Council form. He felt this had not made a difference in the amount of spending, and he was concerned about people having to leave town because they could not afford the taxes. He thought they could consider a city form of government which would put the municipality and school under one administration. He also would consider returning to a Board of Selectmen. Commissioner Bruce Hawkins noted that under a city form of government the townspeople could lose control as there would be no annual meetings. Mr. Pickering said he would like to hear the Commission debate the pros and cons of different forms of government. He felt that currently there was too much bureaucracy, and it took too long to get anything accomplished, and a Board of Selectmen had operated more efficiently.

Gary Levy of Smith Garrison Road, speaking as an individual not as a Town Councilor, said he would present his observations on comments made by Charter Commission members and give some perspective on why certain things had happened. He felt that the default budget being more than the proposed budget was a significant issue. He said there had been discussion about the Charter Commission wanting to address global issues, such as accountability, constituent participation and affordability. He wasn't sure if those were possible or even a mandate of the Charter Commission, and didn't think participation could be taken care of in the Charter, and from his research, participation did not seem to vary much by types of government. He said ultimately it would be the elected officials, the Town Administrator, School Board and Superintendent of Schools who would make the decisions impacting affordability and the tax rate, no matter the form of government. He felt it would be worthwhile for the Commission to discuss the pros and cons of the different forms of government in terms of broaching some of the concerns in Newmarket.

He said he had heard comments such as the Administrator has a budget and should spend to it, and the Council has been acting more like a CEO, rather than a Board of Directors, and was more worried about having a surplus and should be spending to the budget. He did not think it made sense to spend to the budget if it was not

necessary, and he thought the Council was reasonable in trying to meet the needs of the town. He said there was an implication that the Durham Town Council followed the advice of the Town Administrator and followed his decisions. He said, from watching Durham's Council meetings, he found that not to be true. He didn't think the Council should act as a Board of Directors, as it had a responsibility to provide oversight and vet spending. He gave examples from past proposals in which conflicting or misinformation had been given to the Council, and other examples in which it took a long time to get any supporting information, and said this bogged down the Council. He said one of the other concerns that had been expressed was accountability. He gave past examples of mistakes which had been made for which no one was made accountable, and for which the taxpayers ultimately suffered. He felt this was an issue that could be addressed in the Charter. He had heard people say it was the responsibility of the Council to remove a Town Administrator who was not doing his job, but he felt that was more easily said than done. He felt it would be easier to deal with such a situation with an Administrator than a Town Manager because the RSA was fairly clear. He said they were working well with the present Town Administrator and he would like to continue working with that title.

Mr. Levy had also heard comments that the Council was not looking to the future with the goals it had set for the year. He gave examples of concerns that were now being addressed, such as the employee handbook, Economic Development Committee, the water and wastewater issues and the dam and said these projects did address the future needs of the town. He felt it was worthwhile for the Charter Commission to evaluate the budget process as it created issues that were frustrating to residents. He didn't think there was a form of government that would solve every issue, and felt the existing form of government seemed to be working at the present. He added that in the end it was the people who would make the decisions, and the quality of a board depended more on its members than its size. Commissioner Bruce Hawkins asked Mr. Levy what he thought would be a good form of government, and he replied that he had no problem with the current form. He felt that hiring Department Heads should be done jointly by the Council and Administrator, rather than having a Town Manager who made those decisions alone. He hoped the Commission could deal with the budget process and the fact that default budgets are higher than proposed budgets.

Chair Mitchell asked about Mr. Levy's comment about a mandate from the Efficiency Committee. Mr. Levy said there was no mandate, but he had referred to comments that the Commission should address global issues, such as affordability, citizen participation and accountability, and he did not think participation was within the purview of the Commission. However, he did think it would be helpful for someone to present a synopsis of the pros and cons of different forms of government. He also did not think the Commission could address affordability. Chair Mitchell said the Commission had discussed the issues in terms of what might be in the Charter that prevents achievement of the goals. Commissioner Bruce Hawkins said that perhaps the term mandate was used in reference to Mr. Pickering's reference to the Efficiency Committee. Mr. Levy said he did think accountability was an issue the Commission could address, and cited his previous examples where there had been no accountability for impact fees that had to be returned or funds that were not encumbered. He said the handbook he had mentioned earlier was for employees. Chair Mitchell asked if there should be a handbook for Councilors, Planning Board and ZBA members or if training should be provided for new members. Mr. Levy spoke about the frustrations of not having enough information or having conflicting information provided, although he did not feel it was intentional. He felt training should be provided, but speaking for himself, he didn't think he needed 2 years of training. He said he couldn't speak to other boards in town, but gave the example of the recent Budget Committee training workshop as helpful.

Commissioner Fillion said that the water and sewer district had been turned over to the Council which had to make decisions with little experience. He said the past Water and Sewer District Commission had many years of experience and was very knowledgeable. He was talking about establishing a new Water and Sewer Commission

which would be responsible for overseeing the department as the members would have sufficient knowledge and experience to make informed decisions. Mr. Levy said he generally agreed with the point, but asked if only ratepayers voted when there was a Commission. Commissioner Fillion said that was not true in the past, but would be with a new Water Commission. Mr. Levy said he would be in favor of only ratepayers voting on water and sewer issues, but there were many issues that come before the Council that not everyone was an expert on. He thought he could be in favor of a Water Commission, especially if it was an elected Board.

John Bentley of Grant Road said he was speaking as a citizen. He thanked the Commission for its work, and stated that in addition to serving on the Council, he had also served on the Budget and CIP Committees. He said the Commission had spoken about asking the Town Administrator and past and present Councilors about their thoughts and frustrations about their positions. He felt the same could be asked of past and present Budget and CIP Committee members, and they could consider asking Department Heads what their frustrations are with the budget process. He said he didn't know what form of government was best, although he was trying to learn about what was available. He did feel that 3 members of a Council or a Board of Selectmen would be too few, but 15 too many. He agreed with Mr. Pickering that when the Commission was suggested most of the townspeople spoke to him about financial issues. He said he had asked for a mission statement to clarify the focus of the Commission for the public, but wasn't sure if one was available. He said that when he first became a Councilor he was given no training, only eventually a book, "Roberts Rules of Order". He felt training should be available for all town boards.

Mr. Bentley said one thing he wanted to change in the Charter was what he called the "Dan Dickens Rule." The rule stated that no one who earned money as a town employee could serve on the Town Council. Mr. Dickens had been a Councilor and also served on the Fire Department. One year when there were a lot of calls, he received a stipend and had to resign from the Council. Mr. Bentley said that if someone worked at the polls and received even \$20, that person was not eligible to serve on any board. He felt this stipulation disqualified many interested and experienced people from serving, and thought the Commission could consider setting a cap on earnings. He said he wanted to address comments that suggested that the Council took too long in making decisions because it was too involved in details or was dragging its feet. He said that just in the past year the Council faced many important decisions and they took time to consider. He said because of past mistakes, the Council had to do its due diligence. He said not everyone agreed on everything, but he felt each had the best interest of the town at heart. He again thanked the Commission for their work, and reiterated that many in the community spoke of financial issues, and he hoped there was a way that the Commission would consider this when looking at the Charter and possible forms of government.

Commissioner Fillion asked Mr. Bentley if he thought everyone or just the ratepayers should be voting on water and sewer issues. Mr. Bentley replied that he felt they would have had the water line put in the previous year, rather than the current year, if only the ratepayers voted. He thought it was probably a good idea that non-ratepayers wouldn't vote. He said he felt that many not affected had voted against the water line the previous year, which had cost the town time and money. He said that 311 people had voted against the budget, not realizing that the default budget was higher. He also thought having a Water and Sewer Commission was probably a good idea. Commissioner Zink said he was concerned with the amount of Council turnover and the institutional knowledge that was left behind. He said that new Councilors have to ask the questions that had been asked in the past. He asked Mr. Bentley for any suggestions he might have to reduce the turnover and accommodate the Councilors. Mr. Bentley said they could offer more money, but he didn't want to see that. He said the Councilors put in a lot of time, do a lot of work and hear a diversity of opinions from the community which can be frustrating. He said he would think about it. He said turnover hurts because of the constant retraining. He felt that training for new Councilors was a good idea. Chair Mitchell asked if the Council had ever

received copies of RSA 91A, the Right to Know law. Mr. Bentley said they had received written explanations of the law. He said they had been sent schedules for seminars, but often that meant missing a day of work.

Bert Allen of Smith Garrison Road said a past letter he had sent to the Commission had included 7 items, the first 2 of which concerned the budget process. He had suggested a Town Council line item veto on any budget items, ordinances or fees changed and approved at the Deliberative Session, and the adoption of a tax cap, allowed under state statute 32:5. He said the budget process was lengthy and time consuming. He felt that adopting a tax cap would allow them to project expenses 5 – 10 years into the future. He felt they could eliminate the Budget Committee and roll it into a Budgetary Efficiency Board with the school. He said the Town Administrator's job was a mix between an Administrator and a Town Manager. He spoke about the difficulty in disciplining a member of a collective bargaining unit. He felt that property owners would show up for a vote on a tax cap. He favored a 501C-3 for the water and sewer, as all ratepayers could vote.

Larry Pickering said at the beginning of his first 2 terms on the Council, legal counsel had been brought in to inform those newly elected of the laws they needed to know and what they could and couldn't do. He felt it was helpful and an option that could be used. He said that the town had a tax cap in 1980, and drew 400 to the district meetings. He added that he didn't know it that was good or bad.

As there was no further public comment, Chair Mitchell closed the Public Input at 8:50 p.m.

MINUTES OF THE JULY 22, 2013 MEETING

Commissioner Zink moved to approve the minutes of the July 22, 2013 Charter Commission meeting. Commissioner Chris Hawkins seconded. Motion passed unanimously, 8 – 0.

NEW BUSINESS

Questionnaire/Survey

Commissioner Filion had prepared a questionnaire which he thought could be emailed to past and present Councilors. Commissioner Chris Hawkins had made some additions to make the questionnaire more open-ended. Commissioner Zink had not received the questionnaire or any copies of the minutes, and said it was hard for him to participate in the discussion. Chair Mitchell said he would verify email addresses. Commissioner Chris Hawkins said he felt the final part of the questionnaire was more an advocacy statement than a question. Commissioner Filion's questionnaire had first asked what Councilors liked most and least about serving on the Council. To those questions, Commissioner Chris Hawkins suggested asking: how many hours a week did you spend on Council business; on how many sub-committees did you serve; how many combined hours did you spend on Council and sub-committee business; do you think that serving on a sub-committee is necessary; did you serve more than one term, and if not, why not; do you believe the town would benefit if Councilors served more than one term, and if so, what would the benefit be; have you served on other town boards or committees; how would you advise someone to start if interested in serving on a committee; (Commissioner Hawkins said he felt Budget Committee was a great training ground); are there changes that could be made to make serving on the Council more enjoyable, and if so, what are they; if there were one thing you could change about how the Council operates, what would it be; are there changes that could be made that would make the Council operate more efficiently, and if so, what would they be; are there changes that could be made that would make the whole town government operate more efficiently, and if so, what are they; are there seminars or training that you feel would have benefited you in serving on the Council; what would you like more training

on; how does the Charter come into play as you perform your role as a Councilor; do you consult the Charter before you make significant decisions. Commissioner Filion's questionnaire had also asked: what changes to the Charter do you suggest that would make serving on the Council less cumbersome and more efficient and enjoyable.

Chair Mitchell asked if the Commissioners wanted to postpone the final decision on the questionnaire until everyone had a chance to see it, or if it should be sent out immediately. Commissioner Zink felt the questions were on target. Commissioner Nazzaro asked that the word "effective" be added to the questions about operating efficiently. He added that it should be clear that in addition to preparing for meetings, which could vary by subject matter, there was time spent in communicating with residents. He added that serving as Chair involved significantly more time, at least 20 hours a week. The Commission decided to send the survey to Councilors who had served in the past 10 years. Commissioners Filion and Chris Hawkins were to finalize the survey and send it to the Town Administrator within the week for distribution. Commissioner Chris Hawkins volunteered to collate and compile the responses.

Communication/Website

Commissioner Weinstein said she had started a website for the Commission separate from the town's website. She had created a flier for the website, and also printed it for distribution at the Commission's booth at Olde Home Day. She said the overall response to the Commission's presence was positive. Artist and resident Laura Harper had donated her services and developed a logo for the Commission. The flier was available on the website: www.newmarketcharter.com, and was to be posted around town. She said she would be adding more information to the site. She would contact the Town Administrator to provide a link on the town's website. Commissioner Nazzaro stressed the importance of updating the website to keep people interested. Commissioner Weinstein said she could at least add the minutes and agendas, and make it possible for other Commissioners to add information. Commissioner Zink felt that having the time lines available at Olde Home Day was most beneficial and suggested adding them to the website. Commissioner Weinstein had also prepared an FAQ and asked for ideas from other Commissioners.

MAJOR DECISIONS:

Chair Mitchell said that he would be meeting with the Town Attorney before the next meeting, and asked that Commissioners send him their legal questions so he could deliver them to him in order for him to prepare his responses, as he will be invited to the next meeting. The Town Attorney would be asked to prepare a brief overview of the legal aspects of the forms of government available in New Hampshire. Commissioner Zink felt it also was important to get input on the practical aspects of how each form worked. Commissioner Nazzaro stressed the importance of making a decision on the form in the near future, so they could go ahead with other aspects of their work.

Commissioner Filion felt that the CIP Committee should be an administrative board. He felt the Committee was a good long-range planning tool for the town. Currently, the Council, Planning Board and Budget Committee each appoint one of their members to serve and one alternate. The Town Planner and Finance Director also serve, and it was generally felt they should be non-voting members. He wondered how revisions to the CIP Committee could be written into the Charter. There is a state statute that defines CIP Committees and many towns adopt the statute for their charters. Commissioner Nazzaro said the CIP is the only committee that is required to look forward. Commissioner Filion said that in the past, the alternates have replaced the Finance Director and Town Planner and been able to vote.

Chair Mitchell asked what additional information the Commissioners needed before the discussion on forms of government could be put on the agenda. Town Administrator Fournier had sent a report to the Commissioners that outlined the complexities of the forms of government. The Commission was to request that he attend the next meeting with the Town Attorney. After the next meeting, it was felt that the discussion on selecting a form of government could begin. Commissioner Filion said the only local town with a Village District for water and sewer was Newfields and he had contacted one of their representatives, and he was willing to talk to the Commission. He added that the town nearest in size and scope to Newmarket that had a Village District was Plymouth. The town had recently done a \$6M upgrade to its wastewater treatment plant and received a 75% grant. He said there seemed to be a general consensus expressed at the meeting that only ratepayers should vote on water and sewer issues. The enabling legislation for creating Village Districts is RSA32, and RSA 538-C states the duties and powers of the Water/Sewer Commission and the manner of election or appointment. The Town Attorney will be asked how the establishment of a Water/Sewer District can be incorporated into the Charter. Chair Mitchell said the statute was very clear on establishing a Village District with the Board of Selectman form of government but not for a Town Council form. In addition, charters from other towns did not address creating a Village District, probably because the District existed before the charter was adopted. Commissioner Filion read from the statute and said the District would have the same powers as a municipality.

Commissioner Zink asked why much of the discussion had focused on the role of the Budget Committee and if other boards had the same issues. Chair Mitchell thought that part of the reason was that some boards, such as the Planning Board and ZBA were required by law, whereas the Budget Committee was discretionary. Commissioner Zink said the language in the Charter for all 3 boards was the same. Commissioner Nazzaro said they had the option of eliminating the Budget Committee, but not the other 2, unless they decided to eliminate building and zoning in the town. They could eliminate the Budget Committee if it was determined that it was redundant, but the Planning Board and ZBA performed sole functions. He said they should be looking at all the committees in town to see if their structure was correct. The duties of the Planning Board and ZBA are outlined by state statute.

Commissioner Bruce Hawkins said that some who spoke during the Public Input session had said that of the 900 people who voted to have a Charter Commission, some thought it was to follow through on recommendations from the Efficiency Committee, especially to rein in spending. He wondered if they should seek input from the Committee members. Commissioner Zink, who was a member of the Committee, said the problem was that they had sought ways for the town and school to work together and to regionalize some services, but the Committee had no authority to act. They had looked at a Charter Commission as the only way to discuss, as an example, working relationships. The Committee had accomplished 2 things: holding both Deliberative Sessions on the same day and pointing towards the need for a Charter Commission. He felt the Charter Commission was addressing the issues identified by the Committee. Commissioner Bruce Hawkins said he had read comments in social media that the Charter Commission and other boards were a joke, and he wanted it known that anyone who was working and serving on the Commission and other boards did not feel it was a joke. He wanted to ensure that they were addressing the issue brought up during Public Input.

Chair Mitchell thanked all who had attended the meeting and provided input. Commissioner Zink moved to adjourn and Commissioner Weinstein seconded. Motion carried unanimously, and the meeting adjourned at 9:33 p.m.

Respectfully submitted,

Ellen Adlington, Recording Secretary



**Town of Newmarket, New Hampshire
Town Council Workshop
August 21, 2013 7:00 p.m.
Town Council Chambers**

6. Discussions/Presentations

a. Fiscal Year 2013 End of Year Report – Matt Angell

b. Distribution of Revised Personnel Policy – Town Administrator

STEPHEN R. FOURNIER
TOWN ADMINISTRATOR

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FOUNDED DECEMBER 15, 1727
CHARTERED JANUARY 1, 1991

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

INTEROFFICE MEMORANDUM

TO: TOWN COUNCIL
FROM: STEVE FOURNIER, TOWN ADMINISTRATOR 
SUBJECT: REVISIONS TO CURRENT TOWN PERSONNEL POLICY
DATE: 8/14/2013
CC: FINANCE

One of the goals of the Town Council was to review and begin to revise the Town's Personnel Policy. According to our records, the last time the Policy was amended was April 2011. Since it was not reviewed in a number of years, I first sent the Policy to the Town Attorney for review. He then sent back the Policy with a large number of revisions to make sure we comply with State and Federal Labor laws. The Finance Director and I then made some changes to reflect issues that we have had or have heard during our time here. *We did not make many sweeping changes (e.g. convert Vacation Time to Earned Time) since we wanted to make sure the base document that we are going to be working with complies with all State and Federal Laws.* As you can see from the attached document, there are a large number of changes to the Policy to get it up to date. *I am not planning on discussing the Policy changes this evening. I wanted to provide this to the Town Council to begin to review.* The following is a summary of those changes.

1. **Section 1.02 Equal Employment Opportunity and Section 1.03 Definition of Sexual Harassment:** This wording is updated as a recommendation of the Town Attorney.
2. **Section 1.04 Harassment Procedure and Section 1.07 Retaliation:** This updates the policy to add the Town Council Chair as a person to report any harassment to.
3. **Section 1.08 Americans With Disability Act:** Update requiring employees to provide certain information to the Town if needed to determine a disability and that the Town may decline accommodations in certain circumstances.
4. **Section 2.02 Employees at Will:** Added a section to the Personnel Policy outlining that all non-contractual employees are considered employees at will.
5. **Section 2.03 Employment Classification:**

- a. Redefines part-time employees eliminating a difference between permanent part-time employees and temporary part-time employees. Employees are either part-time or temporary.
 - b. Updates the definition of Exempt and Non-Exempt employees
- 6. **Section 3.01 (f) Compensation:** Eliminates longevity payments to employees hired after September 1, 2013.
- 7. **Section 3.01 (k) Reclassification:** Eliminates the provision that if an employee is reclassified to a lower level, the employee's salary cannot be lowered to the new classification.
- 8. **Section 3.05 Pay Roll Deductions:** Updates the current policy to comply with State and Federal Labor laws.
- 9. **Section 3.07 Overtime and Compensatory Time:** Eliminates Compensatory Time.
- 10. **Section 3.08 Exempt Employees:** Eliminates a specific definition of who can be an exempt employee. That will be determined by the job description at the time of hire.
- 11. **Section 4.02 Vacation Time:**
 - a. Clearly defines that employees will not accrue vacation time for any periods in which an employee is entitled to no wages (e.g. Family Medical Leave)
 - b. Clarifies the section allowing an employee to carry over vacation time
- 12. **Section 4.03.2 Depletion of Sick Time:** Adds a section allowing an employee to use vacation time in case of depletion of sick time. Also adds a provision that an employee may be terminated if they go beyond their authorized leave time.
- 13. **Section 4.04 Family and Medical Leave:**
 - a. The Town Attorney recommends adding a section on military service to comply with Federal laws.
- 14. **Section 4.07 Military Leave:** Updates the entire military leave section to comply with State and Federal laws.
- 15. **Section 4.10 Leave of Absence for Victims of Crime:** Updates the Policy to comply with State and Federal laws.
- 16. **Section 4.15 Workers Compensation:** Updates the Policy to comply with State and Federal law.
- 17. **Section 5.02 Confidentiality:** Revises this section to better define confidentiality of Town materials.
- 18. **Section 5.03 Town Equipment, Telephones, Facsimiles Email and Internet Use:** Eliminates the section from the Policy and adds it as an Appendix to better highlight the Policies.
- 19. **Section 5.04 Personal Dress:** Town Attorney recommended the revisions the Personal Dress policy.

20. **Section 5.13 Progressive Discipline:** Eliminates the provision of Progressive Discipline for two reasons one it adds the discipline procedure to the portion of the Policy outlining Standards of conduct. In addition, it allows for more discipline if it is warranted.
21. **Section 6.01 Health and Safety Programs:** Updates the Policy to outline precautions employees must follow.
22. **Section 6.02 Joint Loss Management Committee:** Adds a provision outlining the Joint Loss Management Committee.
23. **Section 6.07 Seatbelt Policy:** Requires employees to wear seatbelts.
24. **Section 6.08 Workplace Searches:** Adds a provision to the policy outlining the right of the Town to conduct workplace searches.
25. **Section 6.09 Cellular Phones:** Adds a provision on the proper use of cellphones during work hours.

TOWN OF NEWMARKET, NEW HAMPSHIRE PERSONNEL POLICY



This document supersedes all personnel policies previously established or approved by the Town of Newmarket.

Adopted: May 21, 2008

Amended: November 4, 2009

Amended: March 3, 2010

Amended: Jan. 5, 2011

Amended: Feb. 9, 2011

Amended: April 20, 2011

Amended: , 2013

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INTRODUCTORY MESSAGE

WELCOME TO THE TOWN OF NEWMARKET!

Starting a new job is exciting, but at times can be overwhelming. This Personnel [Policy](#) has been developed to help you get acquainted and answer many of your initial questions.

As an employee of Newmarket, the importance of your contribution cannot be overstated. Our goal is to provide residents with the finest and most efficient service possible. You are an important part of this process.

This Personnel [Policy](#) explains our policies and benefits, as well as the specific opportunities and responsibilities that exist for you within our Town. In an effort to be responsive to the needs of a changing organization, changes or additions to this handbook will be made when necessary. We will keep you informed when these changes are made.

We are glad you have joined us, and we hope you will [find](#) your work to be both challenging and rewarding.

Sincerely,

Steve Fournier
Town Administrator

ABOUT THIS [POLICY](#)

The policies outlined in this [Policy](#) should be regarded as guidelines only, which may be modified from time to time. The Town of Newmarket (hereinafter referred to simply as “Town”) retains the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to the employees and the Town. This [Policy](#) supersedes and replaces any and all prior, policies, procedures, and practices of the Town.

This [Personnel Policy](#) also summarizes the current benefit plans maintained by the Town for eligible employees. If any questions arise regarding the implementation or interpretation of any benefit plan, the terms and conditions of the actual plan documents and summary plan descriptions will control rather than the summaries contained in this [Policy](#). The [Employee Policy](#) (and other plan documents) are not contractual in nature and do not guarantee any continuance of benefits.

This [Policy](#) is not, and shall not be construed as, an explicit or implied contract, shall not modify any existing at-will status of any Town employee, and shall not create any due process requirements in excess of federal or state constitutional or statutory requirements. Employment at-will means that employees are free to resign from their employment at any time, with or without cause or notice, and the employer has similar rights and can terminate the employment relationship at any time, with or without cause or notice. Please understand that neither the policies contained in this [Personnel Policy](#), nor any other written or verbal communication by any other employee, including management employees, are intended to create a contract of employment or a warranty of any of the benefits described in this [Policy](#).

Please also be aware that the Town reserves the right to change, revise, or eliminate any of the policies, procedures, or benefits described in this [Policy](#) at any time, in its sole discretion in accordance with NH State and Federal Law.

Article 1. General Provisions

Section 1.01 Our Workplace

As you review the [Policy](#), you will notice that terms such as “workplace” and “premises” appear in many of Town’s policies. For most employers, such terms encompass the buildings and surrounding property that they own or lease. However, as you know, the nature of our work as a municipality requires that our use of these terms have a broader definition. Accordingly, whenever our “workplace” or “premises” is discussed in this [Policy](#), you must understand that we are not only discussing Town buildings, facilities and properties, but also any remote job site to which you may be assigned to work and any vehicle in which you may be traveling with a supervisor and/or coworker for Town-related business.

Section 1.02 Equal Employment Opportunity

The Town is committed to a policy of equal employment opportunity to all persons based on individual merit, competence and need. The Town will not discriminate against employees or applicants for employment on any legally-recognized basis including, but not limited to: veteran status, marital status, physical or mental disability, age, race, color, religion, sex, sexual orientation, pregnancy, ~~or~~ national origin or any other legally protected class. This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, and leaves of absence, compensation, and training.

- (a) It is the policy of the town to create a work environment free of discrimination based on any of the above-referenced characteristics. Discrimination under this policy is defined as treating an individual adversely with respect to his or her compensation, terms, conditions, or privileges of employment, because of the individual’s veteran status, marital status, physical or mental disability, age, race, color, religion, sex, sexual orientation, pregnancy, national origin or any other legally protected class~~national origin, religion, creed, race, color, sex (including any medical condition which results from pregnancy), age, marital status, sexual orientation, or physical or mental disability~~. For example, no one can be denied equal employment opportunity because of their nation origin, that is, because of their birthplace, ancestry, culture or linguistic characteristics common to a specific ethnic group. Equal employment opportunity also cannot be denied because of marriage or association with persons of a national origin group, or a surname associated with a national origin group.

The Town does not tolerate harassment in the workplace on the basis of veteran status, marital status, physical or mental disability, age, race, color, religion, sex, sexual orientation, pregnancy, national origin or any other legally protected class~~marital status, physical or mental disability, age, race, color, religion, sex, sexual orientation, veteran status, pregnancy, or national origin~~. All employees should be able to work in an

environment free from all forms of discrimination, intimidation and harassment, including sexual harassment. All employees must treat each other with courtesy, consideration, and professionalism. In support of our commitment to equal employment opportunities, the Town prohibits harassment of one employee by another employee or supervisor on any of the basis discussed above. Any employee who harasses another employee or a customer on any of the basis discussed above will be subject to discipline, up to and including discharge.

- (b) To achieve our goal of providing a workplace free from sexual and other illegal harassment and discrimination, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with. Where inappropriate conduct is found, we will act promptly to eliminate the conduct and impose such corrective actions as are necessary including disciplinary action or termination where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual or other illegal harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of illegal or sexual harassment or discrimination.

[~~HISTORY: Adopted by the Town Council of the Town of Newmarket May 21, 2008. Amended by the Town Council November 4, 2009.~~]

Section 1.03 DEFINITION OF SEXUAL AND OTHER ILLEGAL HARASSMENT

Harassment is verbal and/or physical conduct that attacks the character or reputation of or shows hostility or aversion toward an individual because of his or her veteran status, marital status, physical or mental disability, age, race, color, religion, sex, sexual orientation, pregnancy, national origin or any other legally protected class ~~race, color, sex, pregnancy, national origin, age, religion, disability, marital status, sexual orientation or veteran status~~, or that of his or her relatives, friends, or associates, and that: (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (2) has the purpose or effect of unreasonable interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

It is not possible to list all of the circumstances and behaviors that may constitute unlawful harassment in violation of Town policy. However, the following are some examples of conduct, which, if unwelcome, may constitute harassment depending on the circumstances, including the severity of the conduct and its pervasiveness:

- Abusive terms used to describe someone, slurs, negative stereotyping, or threatening, intimidating or hostile, acts that relate to veteran status, marital

~~status, physical or mental disability, age, race, color, religion, sex, sexual orientation, pregnancy, national origin or any other legally protected class~~~~race, color, religion, gender, national origin, pregnancy, age, disability, sexual orientation, marital status, or veteran status;~~ and

- Written or graphic material that attacks the character or reputation or shows hostility toward an individual or group because of ~~veteran status, marital status, physical or mental disability, age, race, color, religion, sex, sexual orientation, pregnancy, national origin or any other legally protected class~~~~race, color, gender, religion, marital status, pregnancy, national origin, age, disability, sexual orientation or veteran status~~ that is placed on walls, bulletin boards, or elsewhere on Town premises, or in circulation in the workplace.

The Town prohibits all of the activities discussed above, whether engaged in by a supervisor, agent of ~~the Town or corporation~~, co-worker, or non-employee who is on our premises or who comes in contact with our employees.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or
- Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- a. Verbal: sexual innuendoes, racial or sexual epithets, derogatory slurs, off-color jokes, propositions, threats or suggestive or insulting sounds;

- b. Visual/Non-verbal: derogatory posters, cartoons, or drawings; suggestive objects or pictures; graphic commentaries; leering; or obscene gestures;
- c. Physical: unwanted physical contact including touching, interference with an individual's normal work movement or assault; and
- d. Retaliation: making or threatening reprisals as a result of a negative response to harassment.

Each employee must exercise his or her good judgment to avoid engaging in conduct that may be perceived by others as harassment.

Harassment can come from superiors, fellow employees, clients, visitors or vendors. Men as well as women can be victims of sexual or other harassment. It cannot be stressed enough that the town will not tolerate any form of illegal discrimination or harassment. Violations of this policy, whether intended or not, will not be permitted.

~~All employees should take special note that retaliation against an individual who has complained about sexual or other harassment or discrimination, and retaliation against individuals for cooperating with an investigation of a sexual or other harassment or discrimination complaint is unlawful and will not be tolerated. Retaliation should be reported in the same manner as other forms of harassment.~~

Section 1.04 HARASSMENT/DISCRIMINATION GRIEVANCE PROCEDURE

If you feel that you are being harassed or discriminated against or that you have observed harassment or discrimination, please follow these guidelines to help us remedy the problem.

Harassment or discrimination by other employees or by contractors or vendors should immediately be brought to the attention of your Department Head, the Town Administrator or the Chair of the Town Council~~the Town Administration or the Chief of Police~~. These individuals are also available to discuss any questions or concerns you may have and to provide information to you about our policy on sexual or other illegal harassment and discrimination and our complaint process.

Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the problem. No employee in this organization is exempt from this policy.

If, at any point in the process, a complaining employee is dissatisfied with the investigation being conducted, the employee should bring it to the attention of the individuals listed above.

Section 1.05 HARASSMENT/DISCRIMINATION INVESTIGATION

When we receive a complaint of harassment or discrimination, we will promptly investigate the allegation. Complaints will be kept confidential to the extent possible~~consistent with our obligation to look into the remedy any harassment or discrimination~~. For most matters, the

investigation will include an interview with the person filing the complaint, an interview with the person alleged to have committed the harassment, and to the extent necessary, interviews with co-employees or other witnesses. All employees are expected to be truthful, forthcoming and cooperative in connection with a complaint investigation.

Once the investigation is complete, we will, to the extent possible, inform the person filing the complaint and the person alleged to have committed the conduct of the results of the investigation.

If it is determined that inappropriate conduct occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate, we will impose disciplinary action.

There may be instances when, depending upon the nature of the allegations of harassment or discriminations, an alleged wrongdoer will be suspended, with pay, pending investigation. Suspension pending investigation should not be considered as a conclusion of wrongdoing.

Section 1.06 DISCIPLINARY ACTION

The Town ~~does will~~ not condone, permit or tolerate unlawful harassment or discrimination in any manner whatsoever. Any employee who is found to have engaged in harassment or discrimination contrary to this policy will be subject to disciplinary action, up to and including suspension or termination, depending, among other things, on the nature of the conduct. As stated previously, this sexual anti-harassment and discrimination policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of illegal or sexual harassment or discrimination.

Section 1.07 RETALIATION

The Town also prohibits any form of retaliation against ~~any form of retaliation against~~ any employee for filing a good faith complaint under this policy or for assisting in a complaint investigation. Anyone found to have engaged in such retaliation against a person who has registered a complaint under this policy or to have retaliated against anyone for assisting in the investigation of a complaint, will be subject to disciplinary action up to and including suspension or termination. Any employee who believes that he or she is being retaliated against should bring it to the attention of your Department Head, the Town Administrator or the Chair of the Town Council~~the Town Administrator or the Chief of Police~~ so that appropriate action may be taken.

Section 1.08 THE AMERICANS WITH DISABILITIES ACT

The Town prohibits any form of discrimination in hiring as well as in all terms and conditions of employment, against individuals with disabilities. The Town will make every effort to make reasonable accommodations to ~~ensure~~insure equal opportunity for qualified individuals with

disabilities in the application process, ~~and in performing to enable employees to perform~~ essential job functions, so as to afford enjoyment of ~~and to enable disabled employees to enjoy~~ the same benefits and privileges of employment that are enjoyed by employees without disabilities. Please notify the Town Administrator if, because of a disability, you require an accommodation to perform the essential functions of your job. ~~The Town will maintain all medical information in a confidential manner in accordance with the ADA. (29 USC 1630).~~ You may be asked to provide medical information regarding your disability and possible accommodations, and we expect that you will engage in this interactive process in good faith so we may determine eligibility for accommodation and identify reasonable accommodations. We will maintain all medical information in a confidential manner in accordance with applicable law, and will provide reasonable accommodations as required by law. The Town may decline to provide accommodations to individuals who are not qualified individuals within the meaning of the law, and may also decline to provide accommodations that are not reasonable or that cause an undue hardship.

Article 2. EMPLOYEE CLASSIFICATIONS

Section 2.01 Positions Covered

This document serves to cover all full-time, part-time, permanent part-time, and temporary employees of the Town of Newmarket, including volunteer members of the Newmarket Fire & Rescue Department.

In the event an employee's position is covered by state law and/or collective bargaining agreement and a conflict exists between the terms and conditions outlined in this document and the state law and/or collective bargaining agreement, the state law and/or collective bargaining agreement shall take precedence.

Section 2.02 Employment At-Will

Unless otherwise provided in a written contract or unless set forth by statute, Town employees are considered to be employees at-will. Employment at-will status enables both the Town and the employee to terminate the employment relationship with or without cause or notice, at any time, for no reason or for any reason not prohibited by law. Neither the policies contained in this Policy, nor any other written or verbal communication by a supervisor or official, are intended to change the at-will relationship or create a contract of employment.

Section 2.02 Section 2.03 Employment Classification

At the time that you are hired, you are classified as full-time, ~~permanent~~ part-time, ~~part time~~ or temporary and are informed as to whether you qualify for overtime pay. Unless otherwise specified in writing or as required by law, the benefits described in this Policy apply only to full-time employees. All other policies described in this Policy apply to all employees, with the exception of certain wage, salary and time off limitations. If you are unsure of which job classification into which your position fits, please ask the Finance Director or Town Administrator.

FULL-TIME EMPLOYEES: Individuals who are regularly scheduled to work 40 or more hours per week.

PERMANENT PART-TIME EMPLOYEES: Individuals who are ~~considered permanent in their appointment and work~~ regularly scheduled to work less than forty hours per week, hours each week and are entitled to specific prorated benefits.

PART TIME EMPLOYEES: ~~Individuals who are not regularly scheduled to work.~~ Part-time employees are not eligible for benefits described in the Policy except where noted or to the extent required by state or federal law.

TEMPORARY EMPLOYEES: Individuals who are hired for specific periods of time or for the completion of a specific project or not regularly scheduled to work. Seasonal employees, those hired to work for thirty-six (36) weeks or less, are considered to be temporary employees. Temporary employees are not eligible for benefits described in this Policy except to the extent required by state or federal law.

NON-EXEMPT AND EXEMPT EMPLOYEES: All employees will be classified as either “exempt” or “non-exempt.” Exempt employees are paid on a salary basis and their duties and responsibilities allow them to be considered exempt from the overtime requirements of the Fair Labor Standards Act (“FLSA”). Therefore, these employees are not eligible to receive overtime pay. Non-exempt employees do not meet the requirements necessary to be considered exempt from the overtime provisions of the FLSA. Therefore, these employees are eligible for overtime pay in accordance with the FLSA and Town policy. Upon hiring, employees are told whether they are classified as exempt or non-exempt from the overtime provisions of the FLSA. If you have questions about whether you are classified as exempt or non-exempt under the FLSA, please contact the Town Administrator.~~Exempt employees are those who, because of their job, are not entitled to overtime pay and minimum wage in accordance with the Fair Labor Standards Act (“FLSA”) (29 USC 201 & amendments). Most non-exempt employees, with the exception of employees engaged in law enforcement, fire protection, or other public safety activities, are entitled to be paid one and one-half (1 1/2) times their regular hourly wage for any time worked over forty (40) hours per week or through compensatory time. You will be advised when you are hired if you are entitled to overtime pay or compensatory time. (See Overtime Policy at Section 3.07.)~~

Article 3. COMPENSATION AND HOURS OF WORK

Section 3.01 Compensation System

(a) GENERAL POLICY.

The Town Administrator and Town Council, shall be responsible for the development and maintenance of a uniform and equitable pay plan for the Town which shall consist of minimum and maximum rates of pay for each position and such intermediate steps as deemed necessary and equitable. Wages shall be linked directly to the position classification plan and may take into consideration the following factors:

- (i) Ranges of pay for other positions.
- (ii) Prevailing rates of pay for similar employment in both public and private organizations.
- (iii) Cost of living factors.
- (iv) Other benefits received by employees.
- (v) The financial policy and economic conditions of the Town.

(b) PAY PLAN DEVELOPMENT AND ALLOCATION.

- (i) The Town Administrator, or designee, shall conduct a study of salary levels and shall make adjustment recommendations to the Town Council at least every three (3) years. Implementations of adjustments are subject to the availability of funds.
- (ii) The Town Administrator shall assign each position level to a pay range based upon the relationship to other levels as defined in the position level plan and by market data.

(c) APPOINTMENT.

- (i) Pay for newly hired employees shall normally be set at the minimum of the pay range assigned to a job class. However, the Town Administrator may approve hires up to the range of midpoint, as warranted by job qualifications and experience subject to the availability of funds.
- (ii) The Town Administrator shall not authorize hiring above the midpoint of a pay range except in unusual circumstances.

(d) MERIT INCREASE.

- (i) The Town Administrator, upon approval of the Town Council, shall adopt merit increase guidelines effective [January-July](#) 1 of each calendar year subject to funding in the approved budget.
- (ii) Regular full-time and part-time employees are eligible to receive a merit increase.
- (iii) Employees at or above the pay range maximum and employees whose performance is rated less than successful, shall not be eligible to receive a merit increase
- (iv) A part-time employee is eligible to receive a merit increase in the same amount of elapsed calendar time on the job as a full-time employee.
- (v) The Department Supervisor, or designee, must complete an employee's performance evaluation within thirty (30) days preceding the effective date of a merit increase.
- (vi) A merit increase shall not exceed the range of maximum assigned to a position level.

(e) SELECTIVE SALARY ADJUSTMENT.

The Town Administrator may recommend a selective salary adjustment regarding an employee or group of employees. The Town Administrator shall submit a written rationale supporting the recommendation to the Town Council and indicating where funds are available in order to implement said adjustment.

(f) LONGEVITY ADJUSTMENT.

All permanent, full-time employees [hired prior to September 1, 2013](#) shall be paid annually after completing five (5) full years of employment, a longevity benefit according to the following schedule:

<u>Anniversary</u>	<u>Longevity Payment</u>
5th – 10th Years	\$225.00
11th – 15th Years	\$450.00
15th – 20th Years	\$675.00
21st and higher	\$900.00

The above longevity benefits shall be paid to all employees so entitled during the first period in the month of December. Employees shall be employed at the time of disbursement in order to be eligible for this benefit. Proration of this benefit for separated employees shall not be permitted.

(g) COST OF LIVING ADJUSTMENTS (COLA).

The Town Council shall determine the cost of living adjustment that will be provided to each employee on an annual basis

(h) PROMOTION.

- (i) At the discretion of the Town Administrator, a salary increase shall be granted to an employee receiving a promotion. If the new salary is below the minimum of the new range, it shall be increased to the new minimum.
- (ii) The Town Administrator may approve an increase up to the midpoint of the new range when a promotion results from a competitive recruitment to a new position level. Such an adjustment shall be based on exceptional qualification and subject to the availability of funds.

(i) ORDER OF SALARY CALCULATION.

Multiple categories of pay increases awarded simultaneously shall be calculated in the following order:

- A. Cost of living adjustment.
- B. Merit.
- C. Selective adjustment.
- D. Promotion.
- E. Longevity.

(j) REASSIGNMENT.

Except when due to a demotion or a disciplinary action, an employee who is reassigned shall be paid at least the same salary received prior to the assignment.

(k) RECLASSIFICATION.

- (i) If the Town Administrator reclassifies a position to a higher level, the Town Administrator shall adjust the incumbent's salary to at least the minimum of the new range and may give a salary increase, based upon increased responsibility.
- (ii) A reclassification increase is subject to the availability of funds.
- (iii) If the Town Administrator reclassifies a position to a lower level, the incumbent's salary shall remain the same. ~~If the incumbent's salary exceeds the maximum of the new range, or provided the individual meets longevity status criteria, the longevity scale maximum, the incumbent is ineligible to receive a salary increase until the salary range or longevity scale increases to incorporate the incumbent's pay rate. An employee is ineligible to receive cost of living increases until the salary range increases.~~ shall reflect the new classification.

(l) DEMOTION.

If an employee is demoted, either voluntarily or involuntarily, the Town Administrator may treat the employee's salary according to ~~Section 3.01~~ Section 3.01(k)(iii) above or reduce the salary to the applicable pay range.

Section 3.02 Reporting of Time Worked

It is important that your time be accurately reported so that you are compensated for the hours that you work. ~~All employees are~~ You may be required to complete time sheets or punch a time clock or complete an attendance sheet, as applicable. No one is authorized to punch a time clock on your behalf, and falsification of time records could lead to disciplinary action, up to and including separation from employment. Your supervisor will provide you with details concerning your obligation to report all time you have worked.

Section 3.03 Pay/Pay Periods

Employees are informed as to their rates of pay and the pay period at the time that they are hired. Rates of pay are reviewed periodically and may be adjusted. If you have any questions regarding your rate of pay, please see the Finance Director.

Employees are paid on a biweekly basis on Wednesdays for all hours worked during the preceding calendar weeks. Please review your paycheck for errors. If you find a mistake, report it to the Finance Director immediately. Paychecks will be distributed only to you by your supervisor or designee, unless you provide the Town with written authorization for someone else to receive your paycheck or you have elected to have your funds deposited through direct deposit to a your designated bank or financial institution.

Section 3.04 Workweek/Hours of Work

The Town's workweek begins on Sunday at 12:00 a.m. (midnight) and ends on Saturday at 11:59 p.m. Because of the nature of our business, your work schedule may vary depending on your job and department. When hired, the Department Supervisor will inform you of your hours of work.

Section 3.05 Section 3.05.1 Payroll Deductions

There are two categories of payroll deductions: those required by state or federal law and those authorized by the employee. Payroll deductions required by state and federal laws include federal withholding, income tax, social security tax, and wage garnishments as required by law (i.e., child support payments, court ordered payments, IRS garnishments). If authorized in writing by an eligible employee, the Town will also make ~~payroll~~additional deductions for health insurance, savings plans and voluntary contributions to a retirement plan. These deductions will be itemized on your check stub and other purposes that are for your benefit. Arrangement for these voluntary deductions may be made with the Finance Director.

Under New Hampshire law, the Town may not withhold, make use of any portion of, or require any employee to remit any portion of an employee's wages except, with appropriate authorization, as follows: union dues; health, welfare pension, and apprenticeship fund contributions; medical, surgical, hospital and other group insurance benefits without financial advantage to the employer; voluntary contributions to charities; housing and utilities; payments into savings funds held by someone other than the employer; voluntary payments for the recovery of tuition for non-required education costs; voluntary rental fees for non-required clothing; voluntary cleaning of uniforms and non-required clothing; voluntary contributions into cafeteria plans or flexible benefit plans, or both, as authorized by section 125 or section 132 of the Internal Revenue Code; and voluntary payments by the employee for the following: child care fees by a licensed child care provider; parking fees; pharmaceutical items, gift shop, and cafeteria items purchased on the site of a hospital by hospital employees; fees for the employee's use of a qualifying fitness facility; contributions to a political action committee; installment payments of loans made by the employer to the employee; voluntary repayment of accidental overpayments made to the employee; repayment of unearned advances on vacation or other paid time off where supported by appropriate documentation; required clothing not considered to be uniforms; and the use of a demonstrator vehicle as defined in RSA 261:111.

3.05.2 Payroll Deductions for Salaried Exempt Employees: The Town complies with all federal and state laws with regard to deductions from paychecks, including deductions from the salaries of exempt employees. In accordance with the laws, salaried employees receive a predetermined salary that is not subject to reduction because of variations in the quality or quantity of work performed and is not subject to reduction for absences requested by the Town

or due to the operating requirements of the Town. The Town of Newmarket recognizes that under federal and state law there are only limited times when a salaried employee's salary can be subject to deductions. Following RSA 275:43-b, the Town may prorate an exempt employee's final paycheck in the case of a termination for cause.

The Town of Newmarket prohibits deductions from salaries that are inconsistent with the status of an exempt employee. Exempt employees should note that salaries are subject to modification from time to time, such as at evaluation time, when an employee's position or responsibilities change, and at other appropriate times. Exempt employees should also note that it is permissible for an employer to apply vacation, sick, personal and other forms of paid time off to partial or full-day absences for personal reasons, sickness, or disability, and that applying paid time is not considered a deduction from salary.

3.05.3 Questions Regarding Paycheck and Deductions: If you have any questions or concerns about your paycheck or any deductions from your pay, please contact the Finance Director as soon as possible. If you do not receive a prompt response or are dissatisfied in any way with the response you receive, you should feel free to contact the Town Administrator.

Questions and concerns regarding pay and deductions will be investigated and addressed promptly. If there has been an error, such as a deduction made in error, the employee will receive a corrected check or a check reimbursing the employee for the error, whichever is more practicable under the circumstances.

Employees should feel free to communicate any questions or concerns regarding pay or deductions. The Town of Newmarket will not tolerate retaliation against employees who have expressed concerns using this procedure.

~~Payroll deductions are also permitted by law for: required clothing not considered to be uniforms; voluntary rental fees for non-required clothing; voluntary cleaning of uniforms and non-required clothing; medical, surgical, hospital, and other group insurance benefits having no financial advantage for the employer; payments into savings funds held by someone other than the employer; housing and utilities; strictly voluntary contributions to charities; union dues; and health, welfare pension, and apprenticeship fund contributions. Please contact the Finance Director with any questions about payroll deductions.~~

Section 3.06 Reimbursable Expenses

With prior approval by your Department Supervisor, the Town will reimburse reasonable expenses, incurred while performing work for the town, to the employee. The employee must submit original receipts in order to be reimbursed. See your Supervisor with any questions as to whether and what expenses may be reimbursed to the employee.

Section 3.07 Overtime and Compensatory Time

From time to time, it may be necessary for you to perform work in addition to your normal hours. Your Department Supervisor must approve all overtime in advance. Except in the event of an emergency, the Town will attempt to provide you with advance notice of the necessity for overtime work. To the extent possible, the Town will attempt to equally distribute overtime among employees. Most non-exempt employees, with the exception of certain law enforcement, fire protection, and public safety employees, are entitled to be paid one and one-half (1-1/2) times their regular rate of pay for all time worked in excess of forty (40) per week. For the purposes of this section, time worked will include hours actually worked, vacation leave, holiday time, bereavement time, sick time, but does not include compensatory time.

Full time town employees engaged in law enforcement and fire protection activities will be paid overtime at the rate consistent with the Fair Labor Standards Act.

Section 3.08 Exempt – Employees

Exempt employees on occasion work more than an established workweek but do not have a formal workweek. No formal overtime consideration shall be given for hours worked over forty (40) in one week for Exempt employees. Exempt employees are defined under the criteria established by the Fair Labor Standards Act. The following positions are exempt:

- ~~Town Administrator~~ ————— ~~Finance Director~~
- ~~Director of Public Works~~ ————— ~~Chief of Police~~
- ~~Assistant Public Works Director~~ ————— ~~Police Lieutenant~~
- ~~Town Clerk/Tax Collector~~ ————— ~~Recreation Director~~
- ~~Project Coordinator~~ ————— ~~MIS Technician~~
- ~~Town Planner~~ ————— ~~Recreation Operations Manager~~
- ~~Assistant Recreation Director~~ ————— ~~Code Enforcement Officer/Building Official~~
- ~~Assessor~~

Section 3.09 Non-Exempt Employees

All other employees covered by this policy who work more than forty hours in one work week as directed by a supervisor shall be compensated at a rate of 1 ½ times their hourly rate of pay ~~or receive 1 ½ times the number of hours worked in the form of compensatory time off.~~ ~~Compensatory time off may be substituted for overtime pay, when agreed to by both the employee and the Department Supervisor, but cannot accrue beyond a 40-hour limit.~~

~~Town will issue a check to the employee at any time their compensatory time exceeds forty hours for the difference between the additional hours and 40.~~

Section 3.10 Call Back Pay

Full-time non-exempt employees who are called back to work after the conclusion of their regular work day, shall be reimbursed for a minimum of four (4) hours of service at the rate of one and one half times the employee's current rate of pay. If the need for services is less than four (4) hours, the employee will be granted four (4) hours pay at the overtime rate. If the employee is required to be called back more than once in a single four hour period, the employee shall be paid for only one call-back period.

This section does not apply to scheduled overtime, callback times annexed to the beginning of the work shift, or to hold over time annexed to the end of the work shift.

Section 3.11 Meal Break Periods

Employees who work more than five (5) consecutive hours shall be given a thirty (30) minute unpaid meal break, unless it is feasible to eat while working and the employee is permitted to do so.

Town employees engaged in law enforcement and fire protection activities will be provided meal breaks in accordance with the Fair Labor Standards Act.

Section 3.12 Personnel Records

The Town maintains certain records containing job-related information on all employees to ensure compliance with state and federal laws and to keep a record of your progress as an employee. Your personnel file is our continuous record of information relative to your employment. You may inspect your own personnel file during regular office hours, upon reasonable request. However, you may not be permitted to review your personnel file if you are subject to an investigation at the time of your request and disclosure of such information would prejudice law enforcement or a government security investigation. File inspection must be done on your own time, and must be arranged through the Finance Director. You may read your personnel file, but you may not remove any portion of the file. Upon request, you will be provided with a copy of all or part of your personnel file. At the discretion of the Finance Director, you may be charged a fee for copies of any such records; however, such fee shall be reasonably related to the cost of supplying the requested documents. There will be no charge for the first request; however, there will be a charge for subsequent copies.

If upon inspection of your personnel file, you disagree with any of the information contained in such file, you may submit a written statement explaining your version of the information together with evidence supporting such version. The Town will maintain such statement as part of your personnel file and will include the statement in any transmittal of the file to a third party.

It is important that your personnel file includes accurate information regarding who should be contacted in case of emergency. Employees shall notify the Finance Director as soon as possible of any changes in your name, address, telephone number, marital status, dependents and/or beneficiaries.

Section 3.13 Performance Review

In order for employees to improve performance and better understand the Town's expectations, the performance of employees will be periodically reviewed. You will generally receive performance reviews from your Supervisor annually in November or December. However, job coaching is a continuing process throughout the course of employment, and you may meet with your supervisor or department head to discuss performance more frequently.

You and your supervisor will discuss your performance review, giving you the opportunity to understand the expectations of your supervisor and to examine your strengths, as well as areas in which you need to improve. You and your supervisor will also discuss additional opportunities for professional growth at the Town. You will have the opportunity to comment on and sign the review. Your signature on the performance review form indicates that you have seen the review; it does not indicate agreement or disagreement with the content of the review.

A review is not a contract or a commitment to provide a compensation adjustment, a bonus, or continued employment. Reviews are only one of several factors that the Town uses in connection with compensation, promotion, and retention decisions.

-Section 3.14 Promotions, Transfers & Job Postings

The Town strives to provide employees with the opportunity to make full use of their skills, interests and potential. To support employee growth and development, we will make every effort to promote qualified employees from within the Town, if possible, based upon the needs of the business and employee qualifications. Every effort is made to place employees in jobs that are best suited to their abilities. We may also recruit individuals from outside of the Town, depending upon the circumstances.

The Town shall post vacancies, for all positions, in areas that are accessible to all employees.

A temporary transfer or promotion initiated by the Town may take place at any time regardless of the employee's length of service in their present position.

Employees may obtain additional information about open positions and request consideration for any opening by contacting the Department Supervisor. The Town Administrator will have final approval over all transfers and promotions.

If a transfer or promotion is granted, the employee's pay rate in the new position will be determined at the time of the transfer or promotion. The pay rate will be based upon the

employee's qualifications, experience, job performance evaluations, and other considerations within the discretion of the Town.

Employees will generally receive a performance evaluation after 90 days in a new position. Another performance evaluation will typically be conducted prior to the first of each calendar year.

Article 4. TIME AWAY FROM WORK AND OTHER BENEFITS

Section 4.01 Holidays

Employees shall be paid an annual total of no more than 96 hours for the listed holidays.¹ Holiday pay will be paid at the employee’s straight time hourly rate and will be pro-rated for ~~permanent~~ part-time employees. Employees who are not scheduled to work the actual day of the holiday shall be entitled to take a floating holiday on a day approved by their supervisor, which must be taken within 30 calendar days following the actual holiday.

Employees must work the day preceding and following the holiday, according to their normal work schedule, except for excused absences as approved by his/her supervisor.

Exempt employees who are required to work on a holiday may take a floating holiday, subject to prior approval by their supervisor, which must be taken within 30 calendar days following the holiday. Non-exempt employees who are called in to work on a holiday shall be paid straight time for hours worked in addition to their holiday pay.

All holidays will be observed on the day designated by the Federal Government unless specified otherwise by the Town Administrator.

The Town Administrator shall provide the Town Council with the proposed holiday schedule in December for the upcoming year.

New Year’s Day

Civil Rights/Martin Luther King Day

Presidents’ Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Veterans’ Day

Thanksgiving Day

¹ Under 29 CFR 553.230 section 7(k), employees engaged in fire protection or law enforcement activities are permitted to follow alternate work schedules, according to the requirements of their respective departments, in which case, their maximum holiday hours will equal the number of paid holidays times their usual daily hours of work.

Day after Thanksgiving Day

Day before or after Christmas, as follows:

The day before if Christmas falls on a Tuesday or a Friday

The day after if Christmas falls on a Monday, Wednesday or Thursday

Christmas Day

Holidays that fall on a Sunday will be observed on the following Monday, and Holidays that fall on a Saturday will be observed on the preceding Friday.

~~[HISTORY: Adopted by the Town Council of the Town of Newmarket May 21, 2008. Amended by the Town Council January 5, 2011.]~~

Section 4.02 Vacation

Vacation is a time for you to rest, relax, and pursue special interests. The Town provides paid vacation as one of the many ways in which we show our appreciation for your [hard work](#) loyalty and continued service.

~~Regular~~ Full-time and ~~permanent~~ part-time employees are eligible for paid vacation [as described herein](#). Temporary employees are not entitled to paid vacation time.

Vacation time is granted to eligible employees based upon length of service. Vacation shall begin to accrue on the date of hire and shall be posted at the end of each month worked.

~~Permanent~~ Part-time employees shall receive a pro-rated vacation based on their regular workweek, with consideration for years of continuous service.

Newly hired employees who work less than twelve months in their first calendar year of employment will earn vacation at a prorated monthly rate, but are unable to take vacation leave until they have worked for the Town for a period of at least of six months.

No part of an employee's scheduled vacation may be converted to sick leave. If illness or injury occurs during a vacation, sick leave benefits will not begin until the employee is scheduled to return to work.

If requested, an employee shall be paid his or her vacation pay before starting his or her vacation, provided that such vacation pay is scheduled at least two (2) weeks in advance; otherwise, the employee shall be paid his or her vacation pay upon return from vacation. Vacation pay for a full week will be paid at the normal straight time scheduled hours; i.e., if someone normally is scheduled for 40 hours per week, their vacation pay will be for 40 hours for each full week

requested, and anyone normally scheduled for 35 hours will be paid 35 hours for each full week requested.

An employee will not accrue any vacation time for those pay periods in which the employee is entitled to no wages, unless required under law. Generally, this will occur when the employee is on unpaid leave, such as FMLA leave. In the transition to an accrual basis for vacation time, employees shall be allowed to carry over not more than a year's time, based upon their years of continuous service, into the following calendar year.

Vacation is earned and accrued monthly according to the following schedule:

Years of Continuous Service	Vacation Time
Zero through the completion of twelve full months	<u>40</u> hours
Beginning of 13th month through completion of 24 months	40 hours
Beginning of 25th month through completion of 72 months	80 hours
Beginning of 73rd month through completion of 120 months	120 hours
Beginning of 121st month through completion of 180 months	160 hours
Beginning of 181st month and each year thereafter	200 hours

Employees will accrue 1/12th of their earned annual vacation on the last day of each month.

An employee may carry over one year's worth of unused vacation time from one calendar year to the next. An employee wishing to carry over unused vacation time above one year's worth shall present to the Town Administrator a written request to carry over unused vacation above one year's worth, determined by the employee's then current years of continuous service. This request shall be presented to the Town Administrator not later than December 15th.

Any employee wishing to carry over unused vacation time from one calendar year to the next shall present the Town Administrator a written request to carry over not more than the equivalent of one year's worth of vacation, determined by the employee's then current years of continuous service. This request shall be presented to the Town Administrator not later than December 15th.

Upon separation of employment, employees will be paid accrued, unused vacation pay provided the employee has been actively employed for at least six (6) months prior to the termination.

[HISTORY: Adopted by the Town Council of the Town of Newmarket May 21, 2008. Amended by the Town Council March 3, 2010.]

Section 4.03 Sick Leave

Section 4.03.1 Sick Leave: The Town provides sick pay to all full-time and permanent part-time employees. Sick leave must be used in ~~full~~half hour increments, and employees will be paid at the normal straight time rate for the number of hours the employee was scheduled to work. Sick pay may not exceed the employee's regular workday and/or workweek hours.

Sick leave accrues at the rate of one day per month up to a maximum of 90 days. Accrual commences on the date of hire, but cannot be taken during the first ninety days of employment. Employees who do not report to work due to illness must contact and speak with their supervisor on a daily basis relative to the need for and status of their absences, unless otherwise directed. A part-time employee will be paid for sick days on a pro-rated basis in accordance with his/her regular hours of work.

Paid sick leave shall be granted for absence from duty for the following reasons:

Illness

Dental & Medical Care

Non-compensable bodily injury or disease

Exposure to contagious disease, quarantine

Attendance upon members of the employee's immediate family, whose illness requires the care of the employee, not in excess of one (1) day, except with prior approval of the department head.

Employees who are absent from work due to illness for three consecutive workdays may be required to obtain certification from their physicians that they are able to return to work. Employees who fail to report to work or call in to their Department Supervisor for three consecutive workdays will be considered to have voluntarily resigned from their employment.

Employees will not be paid for unused sick days upon resignation or involuntary discharge from employment.

Upon retirement of employment by the employee, as provided in the personnel rules and regulations, one half of unused sick leave benefits shall be paid to the employee provided the employee shall have been actively employed by the town for 1 year prior to retirement. This benefit shall require the employee to be of retirement age and meet the requirements to collect retirement compensation from the New Hampshire Retirement System.

4.03.2 Depletion of Sick Leave: In the event all accumulated sick leave has been used, the employee may take any accumulated vacation leave. An absence from work beyond the limit of authorized leave may place the employee in jeopardy of termination.

Section 4.04 Family and Medical Leave

Under the Family and Medical Leave Act (“FMLA”), eligible employees may take an unpaid leave of absence and be restored to the same or an equivalent position upon their return to work for any of the following reasons:

~~(a)~~—The birth of the employee’s child and to care for the newborn child (leave must be taken within twelve (12) months of the birth of the child);

~~(b)~~—The placement of a child with the employee for adoption or foster care, and in order to care for the newly placed child (leave must be taken within twelve (12) months of the adoption or placement of the child);

~~(c)~~—The serious health condition of a spouse, parent, minor child, or adult child when the adult child is incapable of self care and the employee is needed for such care (“covered family members”);

~~(d)~~—The employee’s own serious health condition that renders the employee unable to perform his or her job;*

~~(e)~~—A “qualifying exigency” (as defined in the Department of Labor Regulations) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on (or has been notified of an impending call to) “covered active duty” in the Armed Forces (including the National Guard and the Reserves), as defined in the National Defense Authorization Act for 2010;

~~(f)~~ The employee is a spouse, son, daughter, parent, or next of kin of a “covered service member” (as defined in the Department of Labor Regulations) or who was in the Armed Forces and was discharged under other than dishonorable conditions within five years of receiving medical treatment, recuperation or therapy prompting the employee’s leave request, who has a serious injury or illness and the employee is needed to care for such person.

*A “serious injury or illness” for a covered veteran means an injury or illness that was incurred or aggravated by the member in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became a veteran, and is:

1. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member’s office, grade, rank, or rating; OR

2. A physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating ("VASRD") of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; OR
3. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; OR
—An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

An eligible employee may take qualifying exigency leave for any of the following reasons: (1) short notice deployment; (2) military events and related activities; (3) childcare and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation (for a maximum of 15 calendar days); (7) post-deployment activities; (8) additional activities; and (9) to care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty.

For rest and recuperation exigency leave, the Town may require certification that includes a statement explaining why the leave is needed, the leave dates, the frequency and duration of the leave, and a copy of the military member's Rest and Recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member's leave.

Eligibility Requirements: To be eligible for FMLA leave, an employee must satisfy the following condition:

- The employee must have worked for the Town of Newmarket for at least twelve (12) months, and must have performed at least 1,250 hours of work in twelve (12) months prior to a leave request. In determining whether an employee meets these requirements the Town shall count all periods of absences from work due to or necessitated by covered service under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Leave Entitlement: If an employee takes FMLA leave for a reason stated in paragraphs (1)-(5) above, the employee is entitled to up to twelve (12) workweeks of unpaid leave during a twelve (12) month period. That twelve (12) month period is defined as a "rolling" twelve (12) month period measured backward from the date an employee begins an FMLA leave. In other words, the number of weeks the employee has available upon the beginning of a FMLA leave will be twelve (12) weeks less the number of FMLA leave weeks taken in the twelve (12) month period prior to the beginning of the current FMLA leave (the "Available Leave Weeks"). For example, if an employee used four weeks beginning February 1, 2010, four weeks beginning June 1, 2010, and four weeks beginning December 1, 2010, the employee would not be entitled to any additional leave until February 1, 2011. Beginning on February 1, 2011, the employee would be

entitled to four weeks of leave; on June 1, 2011, the employee would be entitled to four additional weeks; and so on.

If an employee takes FMLA leave for the reason stated in paragraph [\(f\)\(6\)](#), above, the employee may take up to 26 weeks of unpaid FMLA leave within a single 12-month period. This 12-month period begins on the first day of leave.

An employee who takes FMLA leave for a reason stated in paragraph [\(f\)\(6\)](#) above will be limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the single 12-month period. The leave entitlement described in paragraph [\(f\)\(6\)](#) above is to be applied on a per-covered-service member, per injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered service members or to care for the same service member with a subsequent serious illness or injury, except that no more than 26 workweeks of leave may be taken within any single 12-month period.

Tracking FMLA Leave: When an eligible employee requests any leave of absence that qualifies under the FMLA, the Town of Newmarket has the right to designate such leave as FMLA leave. For example, if an eligible employee suffers a work related injury that qualifies as a serious health condition, the Town of Newmarket has the right to designate any time away from work as FMLA leave. In such circumstances, the Town of Newmarket will provide the employee with the same notifications as though the employee had specifically requested FMLA leave.

Intermittent and Reduced Schedule Leave: Under some circumstances, employees may take FMLA leaves of absences intermittently (in separate blocks of time due to a single FMLA qualifying reason) or on a reduced leave schedule (reducing the usual number of hours an employee works per workweek or workday). Certification will be required to show that an intermittent or a reduced schedule leave is a medical necessity for leaves under paragraphs [\(c\)\(3\)](#), [\(d\)\(4\)](#), and [\(f\)\(6\)](#), above. Other documentation or certification may be required to show that such an intermittent or a reduced schedule leave is necessary in the case of a leave of a “qualified exigency” under paragraph [\(e\)\(5\)](#), above.

If FMLA leave is for birth and care, or placement for adoption or foster care, as described in paragraphs [\(a\)\(1\)](#) and [\(b\)\(2\)](#), above, use of intermittent leave is subject to the Town of Newmarket approval.

When an employee takes intermittent or reduced schedule leave, time spent working will not be counted against the employee’s FMLA entitlement. When tracking intermittent or reduced schedule leave under the FMLA, the Town will use the shortest period of time used to account for other forms of leave, but in no case greater than one hour. The Town shall not require employees to take more intermittent or reduced scheduled leave than necessary to address the circumstances that precipitated the need for the leave. The FMLA leave will only be counted

against an employee's FMLA entitlement for leave taken and not for time that is worked for the Town.

Employees taking intermittent or reduced schedule leave will be paid for the time they work, and the leave time away from work will be unpaid unless the employee qualifies for workers' compensation, short-term disability, or other benefits. If an employee is a salaried employee, the Town of Newmarket will adjust the employee's salary based on the amount of time actually worked.

While an employee is on intermittent or reduced schedule FMLA leave, the Town of Newmarket may temporarily transfer the employee to an available alternate position that better accommodates the employee's recurring leave and that has equivalent pay and benefits.

Employees who take intermittent leave for a planned medical treatment have an obligation to make a "reasonable effort" to schedule the treatment so as not to disrupt unduly the Town of Newmarket's operations.

Status Of Employee Benefits: Employees are required to use any accrued, unused paid time off days during FMLA leave unless the FMLA leave is otherwise paid through workers' compensation benefits, short-term disability benefits, or other benefits. The substitution of paid leave time for unpaid leave time does not extend the FMLA leave period and leave must be used in half-hour increments. Also, the employee's FMLA leave may run concurrently with other types of leave. If an employee who is otherwise paid wishes to also use sick and/or vacation leave, they need to advise the Payroll department of this in writing.

During an approved FMLA leave, the Town of Newmarket will maintain the employee's health benefits under the same terms and conditions applicable to employees not on leave.

- If paid leave is substituted for unpaid FMLA leave, the Town of Newmarket will deduct the employee's portion of the health plan premium as a regular payroll deduction.
- If an employee's leave is unpaid, or is paid through workers' compensation, short-term disability benefits, or other benefits not provided through the Town of Newmarket's payroll system, the employee must pay his or her portion of the premium by making arrangements with the Town of Newmarket's Accounting Department.
- Health and other benefit coverage may be canceled if the employee's premium payment is more than (thirty) 30 days late.

If an employee elects not to return to work at the end of the leave, the employee will be required to reimburse the Town of Newmarket for the cost of the premiums paid by the Town of Newmarket for maintaining coverage during the unpaid leave, unless the employee cannot return

to work because of a serious health condition or because of other circumstances beyond the employee's control. If the FMLA leave is for a condition that is covered under Newmarket's short or long term disability insurance, covered employees may apply for benefit coverage.

Benefit entitlements based on length of service will be preserved at the level earned as of the commencement of the leave, but will not accrue further during any portion of the leave that is unpaid. For example, an employee on leave will not accrue additional sick/personal days. For the purposes of this policy, "unpaid leave" means that the employee is not receiving a payroll check from the Town of Newmarket.

Requesting Leave: Employees must complete the appropriate FMLA leave request forms. These forms are available from the Benefits Administrator.

If an employee's need for leave is foreseeable, such as for the birth of a child or planned medical treatment, you must give the Benefits Administrator (thirty) 30 days' prior written notice. In cases of planned medical treatment, please make efforts to schedule the treatment to avoid disrupting the Town of Newmarket's operations.

If the need for leave is not foreseeable, the employee must give notice to the Benefits Administrator as soon as practicable (generally, either the same day or the next business day of learning the employee's need for leave) and the employee must comply with all of the Town of Newmarket's policies regarding absences from work. Failure to provide such notice may be grounds for delaying the leave. If the employee is unable to notify the Town of Newmarket of his/her need for leave personally because of illness, the employee should ask someone else to call on his or her behalf.

Medical Certifications: If an employee is requesting leave because of the employee's serious health condition, a covered family member's serious health condition, or for the serious injury or illness of a covered service member, the employee must provide a medical certification from the appropriate health care provider. It is an employee's responsibility to provide a complete and sufficient certification. Please obtain a medical certification form from the Benefits Administrator for the health care provider to use. If possible, the employee should provide the medical certification before the leave begins. If that is not possible, the employee must provide the medical certification within fifteen (15) days of requesting leave. If the employee does not provide the required medical certification in a timely manner, the employee's leave may be delayed. If you do not provide the certification at all, the Town of Newmarket will not be able to determine whether you are eligible for FMLA leave and your leave will be denied. The Town of Newmarket reserves the right to authenticate or clarify any medical certification if necessary.

In the case of an employee's own serious health condition, or that of a family member's serious health condition, the Town of Newmarket, at its expense, may require an examination by a second health care provider designated by the Town of Newmarket. If the second health care

provider's opinion conflicts with the original medical certification, the Town of Newmarket, at its expense, may require a third health care provider agreed upon by the employee and the Town of Newmarket to conduct an examination and provide a final and binding opinion.

The Town of Newmarket may also require subsequent medical recertification. Failure to provide requested recertification within fifteen (15) days may result in delay of further leave.

Certifications for a Qualifying Exigency: Employees who request a leave for a "qualifying exigency" arising from an immediate family member's call to active duty or impending call or order to active duty will be required to provide a copy of the family member's active duty orders or other documentation issued by the military indicating the member is on active duty or call to active duty status in support of a contingency operation. Other documentation certifying the exigency necessitating the leave will also be required.

Confirmation of Familial Relationship: Employees requesting a leave of absence based on a familial relationship (e.g. leaves under paragraphs ~~(c)(3)~~, ~~(e)(5)~~ and ~~(f)(6)~~), may be required to provide reasonable documentation or statement of family relationship. This documentation may take many forms, including but not limited to a child's birth certificate, a court document, etc.

Reporting While On Leave: If an employee takes leave because of his or her own serious health condition, to care for a covered family member with a serious health condition, to care for a covered service member with a serious illness or injury, or for a qualifying exigency, the employee must contact the office of the Benefits Administrator on a regular basis to provide updates about the status of the need for leave (e.g. the medical condition of the employee or the individual for whom the employee is caring, or other circumstances necessitating leave) and the employee's intention to return to work. In addition, the employee must give notice as soon as practicable (within two (2) business days if feasible) if the dates of leave change or are extended or initially were unknown.

No Work While On Leave: The taking of another job (including self-employment) while on FMLA leave or any other authorized leave may lead to disciplinary action, up to and including discharge.

Returning To Work: At the end of an authorized FMLA leave, the employee will be reinstated to his or her original position or an equivalent position. However, certain highly compensated employees or "key employees" may be denied restoration to their prior or equivalent position if keeping the job open for the employee would result in substantial economic injury to the Town of Newmarket. Key employees are those employees who are among the highest paid ten percent of employees.

If an employee takes leave because of his or her own serious health condition, the employee will not be reinstated until the employee provides a fitness for duty certificate from his or her health

care provider confirming that the employee is medically able to resume work and perform the essential functions of his or her job. The return-to-work medical certification forms are available from the Benefits Administrator. The Town of Newmarket reserves the right to clarify and authenticate such certification.

Coordination With Maternity Leave: As stated in our Maternity leave policy, the Town of Newmarket provides female employees with a leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth, and related medical conditions. If an employee is also eligible for FMLA leave, the employee's FMLA leave and Maternity Leave will run concurrently. Please refer to the Town of Newmarket's Maternity Leave policy for more information regarding Maternity Leave.

For purposes of coordinating FMLA and maternity leaves, maternity disability leave will be treated in the same manner as the FMLA leave of absence described in paragraph (d)(4) above. Maternity disability leave begins when an employee is medically determined to be disabled and ends when medically determined to be able to return to work. If a maternity disability leave is for the number of available FMLA leave weeks or less, the employee may take additional FMLA leave pursuant to paragraph (a)(1) or (b)(2) after the end of the disability period, not to exceed the number of remaining available leave weeks and will be reinstated in accordance with this FMLA policy. If a maternity disability leave exceeds the number of available FMLA leave weeks, then reinstatement will be governed by the maternity leave policy.

Coordination With Other Town of Newmarket Policies; Reference To FMLA And Federal Regulations: In the event of any conflicts between this policy and other Town of Newmarket policies, the provisions of this policy will govern. The FMLA and the FMLA regulations issued by the U.S. Department of Labor contain many limitations and qualifications that are not stated in this policy. The Town of Newmarket reserves the right to apply the terms of the FMLA and the FMLA federal regulations.

Any questions relative to FMLA leaves, including eligibility requirements, should be directed to [Matt Angell/Julie Glover at 292-1202 or mangelleglover@newmarketnh.gov](mailto:mangelleglover@newmarketnh.gov) the [Town Administrator](#).

[HISTORY: Adopted by the Town Council of the Town of Newmarket May 21, 2008. Amended by the Town Council April 20, 2011.]

Section 4.05 Maternity Leave

All female employees may take an unpaid leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth, or related medical conditions. A maternity leave begins when a female employee is medically determined to be disabled and ends when medically determined to be able to return to work. Female employees will be required to take FMLA leave [as set forth above](#), if they are eligible for such leave, [concurrently with maternity leave as](#)

[described in our FMLA policy](#). In addition, female employees will be required to exhaust accrued, unused [sick and](#) vacation time before taking any unpaid leave. [Employees on maternity leave may also be eligible for short term disability benefits](#). When the female employee is physically able to return to work, her original job or a comparable position will be made available to her unless business necessity makes this impossible or unreasonable. Female employees who cannot be returned to their former or a comparable position remain eligible to apply for any available position with the Town. Female employees on maternity leave should contact the Finance Director to make arrangements for payment of their share of their health insurance premiums during their leaves.

A female employee on maternity leave who states that she will not be returning to work, will be considered to have resigned as of the date that her leave commenced.

Section 4.06 Discretionary Leave of Absence

Part-time and full-time employees may apply for an unpaid, discretionary leave of absence for up to six (6) months if they have exhausted their vacation time, and either have exhausted their Family and Medical Act Leave or are not eligible for Family and Medical Act Leave. (See Family and Medical Leave Act policy.) Requests for such unpaid leaves are granted at the sole discretion of the Town Administrator. Discretionary leaves of absence will not ordinarily be granted to employees with less than one (1) year of continuous employment. In determining whether to grant a discretionary leave of absence, the Town will consider, among other factors, the employee's length of service, the employee's work record, the reason(s) for leave, and staffing needs. Discretionary leaves will be unpaid, and the employee on discretionary leave is not entitled to accrue any benefits, including vacation, sick leave, holidays, and personal days. In addition, participation in any medical, dental, disability or life insurance coverage must be paid entirely by the employee during the discretionary leave. The employee must make arrangements with the Finance Director to make the insurance premium payments.

If a vacancy exists at the time of the expiration of the approved discretionary leave, the employee will be reinstated to his or her prior position or a comparable position unless business necessity makes reinstatement impossible or unreasonable. If a vacancy does not exist, the employee will be considered for the next available position for which the employee qualifies. If the employee does not report to work on the workday following the expiration of the approved leave, the Town will assume that the employee has voluntarily resigned from his or her employment.

Requests for discretionary leave should be submitted to the Town Administrator at least thirty (30) days prior to the requested date of leave. The request must be made in writing, stating the length of leave and a brief description of the reason for the request. All considerations and approval for discretionary leave are handled on a case-by-case basis.

Section 4.07 Military Leave

Employees who voluntarily or involuntarily serve in the United States armed forces or National Guard (collectively referred to as “uniformed services”) will be provided with leaves of absence for such service or training in connection with such service in accordance with the federal Uniformed Services Employment and Reemployment Rights Act (“USERRA”).

Military leaves of absence will be unpaid, unless otherwise required by law. You may elect to take part of, or all of, your accrued vacation time with pay during your military leave of absence, but you are not required to do so.

4.07.1 Notice of Leave Request

An employee needing time away from work for service or training in the uniformed services should make the Town Administrator aware of the need for leave as soon as the employee receives the written or verbal orders. It is requested that notice should be provided at least 30 days before the leave begins where it is at all possible to do so.

An employee’s request for leave may include reasonable time off to get personal business in order prior to commencing service in the uniformed services. Reasonable time off will be decided by the Town Administrator based on a case by case basis.

4.07.2 Health Coverage

If a military leave lasts less than 31 days, the employee’s health insurance will be continued and the employee will pay his/her regular contribution for the cost of healthcare insurance. Payment for insurance with less than 31 days leave may be paid in advance or upon return through payroll deductions.

If a military leave lasts 31 days or more, then the employee’s health insurance coverage will cease and the employee will be eligible to elect to continue his or her health insurance coverage at his or her own expense for up to 24 months, in accordance with USERRA. The cost for continuation coverage will be the full cost of the premium, and a 2% administrative fee may also be charged.

When the employee returns to work, he or she will be reinstated to the health insurance benefit with no waiting period, even if coverage terminated during the leave.

4.07.3 Pension

Upon reemployment the employee is treated as if there was no break in service for participating, vesting and accrual purposes. If applicable, the employee may elect to make up any missed contributions or elective deferrals, but is not required to do so.

4.07.4 Reinstatement

Employees wishing to be reinstated following military leave should promptly notify the Town Administrator of their desire to be reinstated. If the leave is for service of less than 31 days, then the employee should return to work on the first full regularly scheduled work day following completion of service, allowing for 24 hours of rest and time for safe transportation back from the service. If the service lasts 31 to 180 days, then the employee should notify the Town Administrator of the desire for reinstatement within 14 days of completing service. If the military leave lasts more than 180 days, then the employee should notify the Town Administrator of the desire for reinstatement within 90 days of completing service.

The Town will reinstate eligible employees promptly. Eligibility for reemployment will be determined with reference to USERRA and its implementing regulations. Employees seeking reinstatement may be asked to provide documentation of the timeliness of the reinstatement request, the total time spent in service, and/or a statement that the reason for separation or dismissal from service is not disqualifying.

Employees cannot waive their reemployment rights in advance of being released from uniformed service.

4.07.5 Disabled Service Members

If a returning employee was disabled or a disability was aggravated during uniformed service, the Town of Newmarket will make reasonable accommodations as required by law and efforts to help the employee become qualified to perform the duties of his or her reemployment position.

4.07.6 Statement Against Discrimination and Retaliation

The Town of Newmarket will not discriminate in hiring, employment, reemployment, or any benefits of employment against any individual because of that individual's service in the United States uniformed services. The Town of Newmarket also will not tolerate any retaliation against any individuals because of their service in the uniformed services or their engagement in any other activities protected under USERRA.

Questions regarding this policy should be directed to the Finance Director.

~~It is the Town's policy to grant leaves of absence without pay to regular full-time or permanent part-time employees who enlist, are drafted, or are recalled to active service in the armed forces of the United States.~~

~~If you are in the military reserve, you will receive the required time off to complete your training and your drill obligations. You must present a copy of your official orders or instructions to the~~

~~Department Supervisor. This information shall be made a part of your permanent personnel record.~~

~~If you enlist or are recalled to active Armed Forces duty, for a time period beyond normal annual training and drill obligations, you have certain re-employment rights prescribed by Federal and/or State statutes with which the Town will comply.~~

~~You must notify the Town Administrator of your availability to return to work.~~

~~The Town reserves the right to place another employee in your position for the duration of the military leave of absence. Every effort will be made to place you in your previous position. If this is not possible, you will be placed in a position with comparable status, security, pay, benefits, and responsibility.~~

Section 4.08 Bereavement Leave

Full-time and ~~permanent~~ part-time employees bereaved by the death of a relative will be granted time off from work without loss of pay in accordance with the following policy.

In the event of the death of a member of a full-time or ~~permanent~~ part-time employee's immediate family, the Town provides three (3) days paid time off. The three workdays usually include the day before the funeral and a day after. Pay for part-time employees will be pro-rated based on the number of hours, if any, the employee regularly works on those days. "Immediate family" includes spouse, children, stepchildren, parents, brothers, sisters, stepparents, stepbrothers, stepsisters, mother-in-law, father-in-law, grandparents, and grandchildren of the employee. The Town Administrator or Department Heads may grant additional bereavement leave in other extenuating circumstances.

Additional unpaid time off due to bereavement may be granted for a specified and limited period of time with the approval of your Department Supervisor.

In the event that you are on paid vacation at the time of the death of the relative, the bereavement leave will not be charged against your vacation credit. Additional vacation days may be granted to compensate for those days used as bereavement leave.

Section 4.09 Jury Duty Leave

The Town considers it a civic duty to serve on a jury if summoned and will grant you leave in order to serve on a jury. Employees summoned for jury duty will be paid the difference between their regular rate of pay and the pay provided by the government for jury service for a period of up to thirty (30) days of such service. You must show your jury summons to your Department Supervisor as soon as you receive the notice. In order to receive jury duty pay, you will be required to furnish your Department Supervisor with copies of the checks you receive for jury duty pay.

While serving on a jury, you are expected to call your Department Supervisor daily to advise him or her of your status. In addition, you are expected to return to your job if you are excused from jury duty during your regular working hours.

Section 4.10 Leave of Absence for Victims of Crime

4.10 Leave of Absence for Victims of Crime

The Town of Newmarket will grant an employee unpaid time off from work to attend court or other legal or investigative proceedings associated with the prosecution of a crime in which the employee was a victim. For purposes of this policy, a “victim” is any person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of the commission or attempted commission of a crime.

Employees may also qualify for leave under this policy if they are part of the immediate family of a homicide victim or part of the immediate family of a child under the age of 18 or an incompetent adult who is the victim of a crime. For purposes of this policy, “immediate family” means the father, mother, stepparent, child, stepchild, sibling, spouse, grandparent, or legal guardian of the victim, or a person who is otherwise in an intimate relationship with and residing in the same household as the victim.

An employee needing time off under this policy should notify the Town Administrator as far in advance as possible. The employee may be asked to submit copies of the notices of each scheduled hearing, conference, or meeting that is provided to the employee by the court or agency involved in the prosecution of the crime. Employees must comply with any requests to submit these notices, and failure to do so may result in denial of the leave of absence. The Town will maintain any such notices or records in confidence, and will disclose them only on a need to know basis.

The employee will be notified as soon as practicable whether the leave request is granted or denied. Requests falling within the definitions of this policy will typically be granted unless the leave of absence would cause an undue hardship on the Town of Newmarket. An “undue hardship” for purposes of this policy means significant difficulty and expense. In determining whether an undue hardship may exist, we will consider the size of our operations, the employee’s position, and our need for the employee to be at work.

Leave taken under this policy is unpaid, although an employee may elect to use his or her accrued, unused vacation time, sick leave, or personal days.

The Town will not discharge, threaten, or discriminate against an employee for taking leave under this policy, and employees taking leave under this policy will not lose any seniority during the leave of absence.

~~Section 4.10~~Section 4.11 ~~Section 4.11~~ **Educational Leave**

At the sole discretion of the Town Administrator, ~~permanent~~ part-time and full-time employees may be granted paid or unpaid leave to attend workshops, institutes, or short-term courses. All considerations and approval for an educational leave are handled on a case-by-case basis.

~~Section 4.11~~Section 4.12 ~~Section 4.12~~ **Medical Benefit Plan**

The Town provides all full-time employees and their families who have met the eligibility requirements of the insurance plan with health insurance coverage at a cost to the full-time employees. In addition, the Town provides individuals who have entered into a Civil Union relationship, as defined in RSA 457-A, or unmarried persons and acknowledging that they are spouses and in general reputed to be such, for a period of 3 years, and until the decease of one of them to be eligible for coverage under the health insurance plan. Details concerning the health insurance plan may be obtained from the Finance Director. In addition, employees may be eligible for a buy-out from health insurance coverage and the particulars covering the buy-out may be obtained from the Finance Director.

[HISTORY: Adopted by the Town Council of the Town of Newmarket May 21, 2008. Amended by the Town Council November 4, 2009.]

~~Section 4.12~~Section 4.13 ~~Section 4.13~~ **Dental Plan**

The Town provides all full-time employees and their families who have met the eligibility requirements of the then existing dental plan with optional dental insurance coverage at a cost. In addition, the Town provides individuals who have entered into a Civil Union relationship, as defined in RSA 457-A, or unmarried persons cohabitating and acknowledging that they are spouses and in general reputed to be such, for a period of 3 years, and until the decease of one of them to be eligible for coverage under the health insurance plan. Details regarding this plan may be obtained from the Finance Director. In addition, employees may be eligible for a buy-out from dental coverage and the particulars covering the buy-out may be obtained from the Finance Director.

[HISTORY: Adopted by the Town Council of the Town of Newmarket May 21, 2008. Amended by the Town Council November 4, 2009.]

~~Section 4.13~~Section 4.14 ~~Section 4.14~~ **Continuation Of Group Health Insurance**

The Consolidated Omnibus Budget Reconciliation Act of 1985 (“COBRA”) requires that most employers sponsoring group health plans offer employees and their families the opportunity for a temporary extension of health coverage at group rates in certain instances where coverage under

the plan otherwise would end. Please contact the Finance Director for more details regarding COBRA.

Section 4.14Section 4.15 ~~Section 4.15~~ Workers Compensation

On-the-job injuries are covered by the Workers' Compensation Insurance Policy provided at no cost to the employee. We ask for your assistance in alerting the Town to any condition which could lead or contribute to an employee accident.

4.15.1 Reporting Injuries

If you are injured on the job, no matter how slightly, you **must** report the incident immediately to your Department Head who will report it to the Town Administrator. Employees must complete the necessary workers' compensation forms following any injury. The Workers' Compensation carrier must also be contacted prior to seeking medical attention (unless it is a life-threatening injury).

4.15.2 Weekly Income Benefits

The amount of the weekly worker's compensation benefit is set by the New Hampshire Department of Labor. The weekly benefit is currently based upon 60% of an employee's average weekly wages. These benefits are paid by our workers' compensation carrier to eligible employees.

4.15.3 Temporary Alternative Duty

Employees with work-related injuries may also be entitled to temporary alternative duty in accordance with New Hampshire's workers' compensation laws. Employees with non-work-related disabilities who require accommodations to perform their jobs should make accommodation requests to the Town Administrator. Please refer to The Americans with Disabilities Act policy in this Personnel Policy for more information.

4.15.4 Reinstatement

A full-time employee who has sustained an on-the-job injury will be reinstated to his or her former position upon request within eighteen (18) months of the initial injury if the position exists and is available, and the employee is not disabled from performing the duties of the position. A fitness-for-duty certificate may be required before an employee is permitted to return to work.

Under New Hampshire law, an employee's reinstatement rights expire eighteen (18) months from the date of injury. An employee also will not be reinstated if he/she has accepted a job with another employer at any time after the date of the injury or if there is a medical determination

that the employee cannot return to his/her former position. Other circumstances concerning reinstatement will be governed by the New Hampshire Department of Labor requirements.

~~The Town pays a premium for Workers' Compensation insurance for all employees. This insurance coverage protects employees from a loss of income and pays medical expenses, resulting from a workplace accident or injury. You are required to report all work-related injuries to the Department Supervisor and the Finance Office immediately.~~

~~Employees with work-related injuries may be entitled to temporary alternative duty in accordance with the New Hampshire Workers' Compensation law. Employees with non-work-related injuries or other physical or mental impairments who require accommodations to perform their jobs should make any accommodation requests to the Town Administrator. The Town will consider the request in accordance with the Americans With Disabilities Act policy.~~

~~Section 4.15~~Section 4.16 ~~Section 4.16~~ **Unemployment Insurance**

The Town pays into the unemployment compensation fund established by the State of New Hampshire. Individuals laid off from employment by the Town may be eligible for unemployment compensation benefits through the New Hampshire Department of Employment Security.

~~Section 4.16~~Section 4.17 ~~Section 4.17~~ **Social Security**

Social Security is a payroll deduction representing your contribution to the federal government's Social Security Program. The Town also contributes money on your behalf to the Social Security Program.

~~Section 4.17~~Section 4.18 **Life Insurance**

The Town of Newmarket provides each full-time employee with a life insurance plan. The employee can designate the beneficiary of the plan by notifying the Finance Office. The Town reserves the right to determine which insurance carrier and coverage plan is purchased. Contact the Finance Director for more details regarding this coverage.

~~Section 4.18~~Section 4.19 **Short Term & Long Term Disability**

The Town of Newmarket provides each full-time employee with a disability insurance plan to supplement Worker's Compensation for job related injuries and illnesses and to supplement sick leave and other benefits in the event of a long term disability or illness occurring off the job. The carrier and terms of the coverage are at the discretion of the Town of Newmarket.

In the event an employee chooses to proceed with a voluntary medical procedure for a non-work related injury or health concern, the employee's physician shall provide a written release allowing him or her to return to work with no restrictions prior to their return.

Article 5. ON THE JOB

Section 5.01 Attendance

Every employee is a valuable and contributing member of the Town. Your regular attendance is important to our success and efficiency. We must be able to depend on our employees to report to work regularly and on time.

Every employee is expected (1) to work all scheduled hours; (2) to report for work on time; and (3) to work until the end of the work period.

Excessive absence, being late, and quitting early, are grounds for disciplinary action, including termination of employment. If you are absent or late for work, you must contact your *Department Supervisor verbally* as soon as reasonably possible, to explain why you will be absent or late and how long you expect to remain absent. An employee who fails to call in on the day of an absence, or does not have a valid reason for calling in late, may be subject to discipline, up to and including discharge. If you are absent from work for more than one day, you are required to call in on each day of your absence, unless you have submitted a doctor's note indicating that you will be absent from work on that day.

Unless there are extenuating circumstances, an employee will be considered to have resigned from the Town if no notification is received within three (3) consecutive working days from the beginning of the absence. Before returning to work, an employee who is absent three (3) or more consecutive workdays due to illness must obtain and submit to their Department Supervisor a doctor's release to work slip.

Section 5.02 Confidentiality

~~Employees are expected to respect the confidentiality of information received during the course of employment with the Town.~~

~~The Town of Newmarket's information and records relating to Town business, operations, plans, projects, strategies, employees, or citizens may be confidential. Therefore, employees must treat all matters accordingly.~~

~~No Town information, including without limitation, documents, notes, files, records, oral information, computer files or similar materials (except in the ordinary course of performing duties on behalf of the Town) may be removed from the Town's premises without permission from the Town Administrator.~~

~~Additionally, the contents of the Town's records may not be disclosed to anyone, except as required by law.~~

Employees unsure about the confidential nature of specific information are expected to seek clarification from the Town Administrator. Employees will be subject to appropriate disciplinary action, up to and including dismissal, for knowingly or unknowingly revealing information of a confidential nature.

Section 5.03 Town Equipment, Telephones, Facsimiles, E-mail and Internet Use

~~All electronic and telephonic communication systems and all communications and information transmitted by, received from, or stored in Town equipment and systems are the property of the Town and as such are to be used solely for job-related purposes. Town telephones may not be used for personal calls except in an emergency situation. Moreover, the use of any electronic communications systems and software and business equipment, including, but not limited to facsimiles, telecopy's, computers, e-mail, and copy machines, for private purposes is strictly prohibited.~~

~~Employees are not permitted to use a code, access a file, or retrieve any stored communication unless authorized to do so or unless they have received prior clearance from their Department Supervisor. All data contained on Town owned computers is the property of the Town. Moreover, improper use of the e-mail system (e.g., spreading offensive jokes or remarks) will not be tolerated. Employees who violate this policy are subject to disciplinary action, up to and including termination of employment.~~

~~To ensure that the use of electronic and telephonic communications systems and business equipment is consistent with the Town's legitimate business interests, and to ensure quality service to our customers, authorized representatives of the Town may monitor the use of such equipment from time to time.~~

See Appendix B and Appendix C.

Section 5.04 Communications

Good communications are vital for efficient and effective operations. Bulletin boards are maintained within Town Hall to bring to the attention of employees any matters relating to federal and state regulations, safety and health, Town policies and announcements. No notices, posters or other material may be displayed on these boards without the approval of your Department Supervisor. All employees are urged to check these boards daily. Failure to read bulletins will not serve as an excuse for violations of posted policies.

Section 5.05 Personal Dress

~~Discretion in style of dress and behavior is extremely important to the Town. Employees are therefore required to dress in attire safe and appropriate for their positions. Work clothing worn by employees must not be torn, must meet safety requirements, and must not contain inappropriate language or graphics. Please use good judgment in your choice of work clothes~~

~~and hygiene and remember to conduct yourself at all times in a way that best represents you and the Town. Any questions regarding appropriate dress for your department should be addressed to your Department Supervisor.~~

We expect all employees to come to work with a neat, well-groomed appearance and workplace appropriate clothing. Dress requirements may vary by department; however, certain rules apply across the board to all employees. All clothes should be clean and neat in appearance. Tight-fitting clothing, tank tops, bare midriff (half) shirts, shirts with bare backs, shorts, and short skirts or dresses are not considered workplace appropriate clothing. Exceptions to the business attire policy may be made for inclement weather.

If an employee is not dressed or groomed appropriately for work, the employee may be sent home to change. This time will be unpaid unless otherwise required by law.

Any questions concerning dress should be directed to your Department Supervisor.

Section 5.06 Snow Days

Employees generally are expected to report to work during inclement weather. However, there may be occasions on which non-essential services will be closed due to severe inclement weather. You should contact Town Hall or listen to WMUR Channel 9 for information as to whether the Town will be open for business.

Section 5.07 Solicitations

No solicitation of any kind is permitted during working time, unless first approved by your Department Supervisor. "Solicitation" is defined as requests for contributions, donations, raffles, lotteries, membership in organizations, attendance at events, or other similar conduct. "Working time" is defined as time during which the employee is scheduled to be working, exclusive of established break periods, meal times, or time before or after work hours. This rule applies to solicitation for both charitable and non-charitable causes.

No distribution of any non-work-related written materials is permitted in any work area ~~of~~ at any ~~kind~~ time, unless first approved by your Department Supervisor. "Work areas" are defined as any Town office or facility, other than designated break areas. Absent prior approval by your Department Supervisor, employees may solicit or distribute materials only during break time or outside of scheduled work hours. Persons not employed by the Town are likewise prohibited from distributing materials or soliciting employees on Town premises at any time, unless authorized by the Town Administrator.

Any employee who violates these rules will be subject to disciplinary action.

Section 5.08 Motor Vehicle Violations

All employees who operate Town vehicles are required within 72 hours to notify their Department Supervisor if they have been convicted of or plead nolo contendere to any and all motor vehicle violations. If the license of any employee who operates Town vehicle[s] is suspended, revoked, or otherwise restricted, the employee shall notify his or her Department Supervisor immediately upon learning of the suspension, revocation, or restriction. Employees who are required but unable to drive and/or who fail to comply with this policy may be subject to discipline, up to and including termination of employment.

Section 5.09 Town Property

Town property of any type or value shall not be used or removed from Town premises without written authorization of your Department Supervisor. All Town equipment, memoranda, records, communications, computer data, disks, or other documents made or compiled by you or made available to you in connection with the business of the Town shall be delivered to the Town promptly upon your termination or at any other time upon request.

Section 5.10 Town Security

It is each employee's responsibility to help ensure that proper security measures are exercised at all times. You should be familiar with emergency exits and with alarm systems and the proper steps to take upon hearing them. Any suspicious person or events should be called to the immediate attention of the Newmarket Police Department.

Section 5.11 Conflict of Interest

The Town expects its employees to conform to the highest ethical and legal standards. Employees are required to refrain from engaging in any activities that create a conflict or the appearance of a conflict of interest. Examples of conduct and behavior that would violate this policy include, but are not limited to, the following:

- Investing in any of the Town's vendors or suppliers (unless the securities are publicly traded and the investments are on the same terms available to the general public, and not based on any inside information), or having any financial interest in a vendor or supplier that could cause divided loyalty or even the appearance of divided loyalty.
- Receiving any gifts or favors from, any members of the public, vendors, or suppliers.
- Using directly or indirectly, Town funds, assets, or other resources for any unlawful goal or purpose or personal use.

Employees with any questions regarding these guidelines are required to discuss them with their department head or the Town Administrator, prior to engaging in any activity or conduct that

may violate this policy, as violations may lead to disciplinary action, up to and including termination.

Section 5.12 Suggestions and Ideas

We are always interested in your constructive ideas and suggestions for improving our operations. You will be notified whether or not it is feasible to put it into practice.

We believe that constructive suggestions indicate initiative on the part of an employee, and we encourage employees to submit them. A constructive suggestion notes an issue and offers a reasonable suggestion for improvement.

Section 5.13 Progressive Discipline

~~The Town is justifiably proud of our employees and the manner in which they conduct themselves. We rely on individual good judgment and sense of responsibility. Each employee is expected to conduct himself or herself in an appropriate manner. However, for the protection of its property and other employees, the Town has established certain rules of conduct, which must be followed.~~

~~It is the policy of the Town to discipline an employee whenever he or she violates a rule, regulation, endangers the safety of others, or performs unsatisfactorily. In each instance, the disciplinary action taken will be just and in proportion to the seriousness of the violation. Generally, there are four types of discipline used by the Town: verbal warning, written warning, suspension, and dismissal.~~

~~When an employee's work performance or personal conduct is unacceptable, certain guidelines will be followed to ensure fair and consistent treatment for all employees. Where a problem exists, the supervisor will discuss the problem with the employee, identify causes, outline corrective action steps, and establish a time in which to correct the problem. The employee will be made aware of the consequences of repeated infractions or continued deficient performance. A notation of the incident will be made by the supervisor and filed in the employee's personnel file.~~

~~The progressive discipline system will ordinarily be used except in those cases where the Town, at its sole discretion, determines that the severity of the circumstances warrant, the Town may skip or repeat steps in the progressive discipline system. The progressive discipline steps are as follows:~~

- ~~———— First Violation of Rule or Policy: ————— Documented verbal warning~~
- ~~———— Second Violation of Rule or Policy: ————— Written warning~~
- ~~———— Third Violation of Rule or Policy: ————— Suspension~~

~~Fourth Violation of Rule or Policy: Dismissal~~

~~This progressive discipline system does not prevent the Town Administrator from placing any employee on administrative leave, paid or unpaid, on a temporary basis.~~

~~Due to the nature of their professions, Police Department and Fire Department employees may be subjected to more stringent disciplinary policies. These policies shall be issued in writing by the Department Supervisor and shall be based upon professionally accepted standards.~~

~~Section 5.14~~ **Section 5.13 Standards of Conduct**

Any group of people who have come together for a common purpose must have rules that promote consistency, harmony, and support the objectives and missions of the Town.

There are certain standards of common honesty and decent behavior that all employees are expected to follow. We believe that the following rules, which are not set out in any particular order, are necessary and reasonable to the proper conduct of our business.

No list of rules can be all-inclusive. The following areas, however, are expressly described to guide you in the recognition of certain behaviors which are clearly prohibited and which can result in disciplinary action, up to and including discharge. Particular disciplinary action to be taken in any specific instance will depend on the review of all factors involved and the employee's past records.

(a) Absences and Lateness

Absence and lateness without good reason, failure to report when absent, and overstaying allotted break time, excessive or unexcused absences.

(b) Employment/Town Records

Making a false statement on the application form; falsifying Town and employment records.

(c) Attitude

Abusive language, creating any type of disturbance, complaining in front of visitors, uncooperativeness, abuse or neglect of visitors or residents, and abuse, neglect, or intentional destruction of Town property.

(d) Safety

Violation of safety regulations or endangering the health or safety of other persons.

(e) Employee Relations

Abusive or profane language to another employee, intentional destruction of another employee's personal possessions, threatening bodily harm, intent to strike, and/or striking another employee, creating a disturbance, causing dissension among employees.

(f) Crime

Conviction of a crime that adversely impacts the employee's position with the Town.

(g) Dishonesty

Dishonesty to a coworker, resident, visitor or to the Town.

(h) Incompetence

Repetition of avoidable mistakes to a point that the mistakes demonstrate a willful disregard for the Town's interest.

(i) Intoxicants

Bringing, possessing, or using alcoholic beverages, ~~or~~ illegal drugs, [or the illegal use of prescription drugs](#) on Town property or while on the job; being under the influence of or testing positive for these substances during working hours will result in immediate discharge.

(j) Neglect of Duty

Negligence in the performance of duties that seriously conflict with the Town's interest.

(k) Unsatisfactory Job Performance

Failing to demonstrate the requisite skill or abilities to satisfactorily discharge the employee's duties.

(l) Weapons

Possession of any kind of weapons on Town property.

(m) Telephones, Facsimile, Computer, E-Mail, Copier

Use of a Town telephone, facsimile, computer, e-mail, and copier for a non-Town purpose.

(n) Thefts or Destruction of Property

The theft or negligent or intentional destruction of any Town property or the personal property of a coworker, customer or visitor.

(o) Sexual or Other Unlawful Harassment

Discrimination, sexual or other unlawful harassment, and inappropriate conduct in violation of Town policies.

(p) Insubordination

Acting in an insubordinate manner toward any supervisor or any other directive of the Town.

(q) Violation of the Town's Policies, Procedures or Rules

Failure to follow the Town's policies, procedures or rules.

Due to the nature of their professions, Police Department and Fire Department employees may be subjected to ~~different~~more stringent rules and regulations, and Standard Operating Policies and Procedures than these listed above. ~~The Department Supervisor in accordance with recognized professional standards of conduct will issue these rules, regulations, and Standard Operating Policies and Procedures.~~

It is the policy of the Town to take corrective action against employees who violate rules, regulations, standards of conduct, endanger the safety of others, or perform in an unsatisfactory manner. Generally, there are four (4) types of disciplinary actions used by the Town: documented verbal warning, written warning, suspension, and dismissal. While the Town will apply the concept of progressive discipline when appropriate, it reserves the right, in its sole discretion, to determine the appropriate level of discipline in any circumstance. In addition, nothing in this policy or Personnel Policy undermines the at-will nature of the employment relationship, which may be terminated at any time by either party with or without cause, and regardless of whether any prior disciplinary action has been taken. The Town may also place an employee on administrative leave, paid or unpaid, on a temporary basis, as permitted under federal and state law.

Due to the nature of their professions, Police Department and Fire Department employees may be subjected to different disciplinary policies and procedures.

Section 5.15Section 5.14 Dispute Resolution Procedure

We encourage you to bring your questions, suggestions and complaints to our attention. Careful consideration will be given to each of these in our continuing effort to improve operations. If you feel you have a problem, you should present the situation to your supervisor, within five (5)

business days so that the problem can be settled by examination and discussion of the facts. We hope that the supervisor will be able to satisfactorily resolve most matters. An employee who is not satisfied with the supervisor's response is urged to go to the Department Supervisor and again try to resolve the issue. The employee must notify the Department Supervisor within five (5) business days of the supervisor's decision.

If the Department Supervisor does not resolve the matter within ten (10) business days of notification from the employee, the Town Administrator is available to hear the issue.

The employee should notify the Town Administrator of the issue in writing, within ten (10) business days of the Department Supervisor's decision to ensure timely resolution of the issue. The Town Administrator will meet with the employee and respond to the employee within fifteen (15) business days.

If the employee feels the findings of the Town Administrator do not address the issue, a written appeal may be filed within ten (10) business days of the Town Administrator's decision to the Personnel Advisory Board.

The Personnel Advisory Board shall meet with the employee and any other related parties within fifteen (15) business days of notification from the employee. The Personnel Advisory Board shall respond to the employee and the Town Administrator within 30 days with any decision, opinions or findings.

The Town Council shall establish a Personnel Advisory Board made up of three (3) public members. The Town Council shall appoint one (1) public member to the board, the Town Administrator shall appoint one public member to the Board and the two appointees shall appoint a third public member. *No public member shall be a current employee or a relative of any current employee of the Town.* The term of the appointments shall be three (3) years. The Personnel Advisory Board shall meet when needed to hear grievances and to make a finding. All opinions and findings of the Board shall be advisory to the Town Administrator.

We urge every employee to follow through with concerns rather than be dissatisfied. Any complaint will be investigated and the findings and determination reported back to the employee. Your suggestions and comments on any subject are important to us so we encourage you to take every opportunity to discuss them with us. Your job will not be adversely affected in any way because you choose to use this procedure.

Employees covered by collective bargaining agreements will utilize grievance procedures outlined in the collective bargaining agreement whenever applicable.

Due to the nature of their professions, Police Department and Fire Department employees will adhere to grievance procedures outlined in their department rules and regulations, [and any subject collective bargaining agreement](#), whenever applicable.

Article 6. EMPLOYEE SAFETY AND HEALTH

Section 6.01 Health & Safety Program

The Town is committed to providing a safe and healthy working environment for all of our employees. With your assistance, we can use our resources to identify and control work-related hazards. All employees are required to bring known and potential hazards and safety issues to the attention of your Department Supervisor. Failure to do so may result in an injury to you or others that could otherwise have been avoided.

The cooperative effort of each employee and supervisor in the awareness, acceptance, participation, and preservation of a functional Health and Safety Program is essential and welcomed. Please bring any suggestions you may have to improve safety to your Department Supervisor.

Each employee, supervisor, and official must practice safety awareness by being alert, anticipating unsafe situations, and reporting unsafe conditions immediately. Please observe the following precautions:

- a. Notify your supervisor of any emergency situations. If you are injured or become sick at work, no matter how slightly, you must inform your supervisor immediately.
- b. The use of alcoholic beverages, illegal drugs, or the abuse of legal drugs during work hours will not be tolerated. Possession of alcohol or any illegal drugs on Town property is prohibited.
- c. The use, adjustment, and/or repair of machines or equipment is to be performed only by you if you are trained and qualified.
- d. Get help when lifting or pushing heavy objects.
- e. Understand your job fully and follow instructions. If you are not sure of a safe procedure, ask your supervisor.
- f. Know locations, contents, and intended use of all first aid and firefighting equipment.
- g. Wear personal protective equipment in accordance with the job you are performing.
- h. Understand and practice all safety procedures when handling, loading, or transporting hazardous materials.
- i. All job descriptions include keeping our facilities and lots clean and safe. Every employee must participate in this effort.

Violations of safety precautions may lead to disciplinary action, up to and including termination.

Section 6.02 Joint Loss Management Committee (Safety Committee)

The Town of Newmarket maintains an active Joint Loss Management Committee comprised equally of management and regular employees, which meets at least quarterly. All participation is voluntary and is strongly encouraged. If you are interested in becoming a member, please see the Town Administrator for details.

Section 6.02 Section 6.03 Workplace Violence

Unfortunately, violence in the workplace has become a reality for many employers. We hope that we never have to face this growing problem. The Town therefore prohibits employees from bringing weapons on our premises, including our parking lots. Moreover, violence and verbal and physical threats of violence of any kind in the workplace or on Town property will not be tolerated, and employees engaging in such conduct will be subject to discipline, up to and including termination of employment. If you become aware of any violence or threat of violence, you must immediately report the matter to the Town Administrator.

Section 6.03 Section 6.04 Alcohol and Drug Policy

It is the Town's intent and obligation to provide a safe and efficient work environment for all employees. The Town recognizes alcohol and drug abuse as potential health, safety and security problems. All employees are expected to assist in maintaining a work environment that is free from the effects of alcohol, drugs and other intoxicating substances. Compliance with the Town's substance abuse policy, which is attached as Appendix A, is made a condition of employment.

Section 6.05 Drug & Alcohol Testing Policy attached as Appendix A.

Section 6.06 Smoking Policy

The Town is committed to providing a safe, healthy, and smoke-free work environment for our employees, visitors, and vendors. Consistent with our commitment and state law, we have declared a no smoking policy within our buildings and in Town vehicles.

No smoking is permitted in any areas of Town buildings. Anyone wishing to smoke must do so outside of Town owned buildings. The Town hopes and expects that our employees will comply with the no-smoking policy. If an employee fails to comply with these rules, the employee will be subject to disciplinary action.

Section 6.07 Seatbelt Policy

For the safety of those required to drive and ride in vehicles, all employees of the Town of Newmarket and their passengers are required to wear seatbelts while operating or riding in any

moving, Town-owned vehicle or while operating or riding in any personal or any other vehicle while in the course of conducting Town business. This requirement shall not apply in the case of vehicles for which the manufacturer or the Town has not installed seatbelts. This requirement shall not apply to ambulance or emergency service personnel or others functioning in a similar capacity and actually involved in patient/victim emergency care. All employees are forbidden from disengaging or otherwise disarming automatic seatbelt systems.

If an employee fails to comply with these rules, the employee will be subject to disciplinary action, up to and including termination.

Section 6.08 Workplace Searches

To safeguard the safety and property of our employees, residents, and the Town of Newmarket and to help prevent the possession and use of weapons and illegal drugs on Town of Newmarket premises, it may become necessary to question employees and all other persons entering and leaving our premises, and to inspect any packages, parcels, purses, handbags, briefcases, lunch boxes, or any other possessions or articles carried to and from Town of Newmarket property. In addition, the Town of Newmarket reserves the right to search any employee's office, desk, files, locker, or any other area or article on our premises in pursuit of our concern to safeguard the safety and property of employees and the Town of Newmarket. Employees should understand that all offices, desks, files, lockers, and so forth, are the property of the Town of Newmarket and are issued for the use of employees only during their employment with the Town of Newmarket. Employees shall have no expectation of privacy in such Town supplied property. Inspections may be conducted at any time at the discretion of the Town of Newmarket.

Employees working on or entering or leaving the premises who refuse to cooperate in an inspection, as well as employees who after the inspection are believed to be in possession of stolen property, weapons, or illegal drugs, may be subject to disciplinary action, up to and including discharge.

Section 6.09 Cellular Phones

Cellular (cell) phones are an important part of our world today. Because many of our employees own personal cell phones we feel it necessary to provide guidance about use of personal cell phones in the workplace. Additionally, some employees may receive cell phones due to the nature of their position. This policy also outlines the appropriate and safe use of Town-provided cell phones.

Personal cellular phones

While at work, employees are to exercise the same discretion in using personal cellular phones as they do for Town phones. Excessive personal calls during the workday, regardless of the phone

used, can interfere with employee productivity and be distracting to others. The Town encourages a reasonable standard of limiting personal calls during work time to no more than one per day as needed. Employees are therefore asked to make any other personal calls on non-work time where possible and to ensure that friends and family members are aware of the Town's policy. Flexibility will be provided in circumstances demanding immediate attention.

The Town will not be liable for the loss of personal cellular phones brought into the workplace.

Personal use of Town-provided cellular phones

Where job or business needs demand immediate access to an employee, the Town may issue a business cell phone to an employee for work-related communications. To protect the employee from incurring a tax liability for the personal use of this equipment, such phones are to be used for business reasons only. Phone logs will be audited regularly to ensure no unauthorized use has occurred.

Employees in possession of Town equipment such as cellular phones are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone in good working condition within the time period requested (for example, 24 hours) may be expected to bear the cost of a replacement.

Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

Safety issues for cellular phone use

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

In situations where job responsibilities include regular driving and accepting of business calls, hands-free equipment will be provided to facilitate the provisions of this policy. Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business use, are also expected to abide by the provisions above.

Under no circumstances are employees allowed to place themselves at risk to fulfill business needs.

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

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

Article 7. SEPARATION FROM EMPLOYMENT

Section 7.01 Requested Notice of Decision to Terminate Employment

Should you decide to resign from your employment with the Town, we ask that you notify your Department Supervisor and the Town Administrator of your decision at least two weeks in advance or your planned departure date. Your thoughtfulness will be appreciated, and will allow the Town to maintain work schedules and provide important services to the public.

Section 7.02 Exit Interviews

In most instances, ~~a~~All employees who terminate their employment will be asked to participate in an exit interview with the Town Administrator. The purpose of the exit interview is to discuss any relevant separation benefits and benefit continuation, and to receive feedback from you on ways in which our Town can improve our operations and retention of employees.

Section 7.03 Return of Town Property

Town property of any type or value may not be used or removed from Town premises without authorization from your Department Supervisor. All Town tools, equipment, documents, or records made or compiled by you or made available to you in connection with the business of the Town must be delivered to the Town promptly upon the termination of your employment or at any other time upon request.

Article 8. Youth Programs Employee Conduct Policy

This policy establishes guidelines for employees whose jobs involve interaction with children. While it is not possible to list all behaviors that might constitute inappropriate contact or action, this policy is designed to provide guidance to all employees in understanding what constitutes appropriate behavior and provides examples of conduct that will result in disciplinary action and or termination.

Your professional behavior, values and responsibilities – both in and outside of your workday – are highly influential on young participants and their families. It is the Town’s expectation that programs and activities will be characterized by healthy boundaries between employees and participants.

- Exercise limits within your relationships with participants while still reaffirming the positive nature of the relationship. Immediately report any incidents of behavior or comments by program participants to your supervisor or Department Head that are alarming to you, especially if they may be misinterpreted later.
- Use caution and restraint with self-disclosure about your personal life; discretion is important. Conversation should be centered on program events and activities.
- Always report incidents of inappropriate behavior on the part of other employees and do not hesitate to address others when you consider their behavior questionable.
- Respect the confidentiality rights of program participants, volunteers, parents and other employees. Specifically, do not discuss clients (program participants, volunteers, parents and employees) in any open or public space or with others who do not have a valid reason to have this information. Confidential information can be assured in many instances; however, remember that employees cannot assure confidentiality to program participants when it involves a matter of the health, safety and welfare of a child. If a child tells you that he/ she has been abused by an adult – physically, sexually or emotionally, you are bound by law to report that. You need to report it to your Department Head or Town Administrator and let him/her do the follow up. Do not ask any more questions of the child.

The following is not an exhaustive list and the Town of Newmarket reserves the right to discipline or terminate an employee for any behavior that is deemed to be inappropriate, disruptive or damaging, whether to an individual, your Department or the Town.

- Two-deep leadership. Two employees or one employee and a parent of a participant, or other adult, one of whom must be 21 years of age or older, are required on all trips and outings.

- No one-on-one contact. One-on-one contact between employees and children should be limited and always be conducted in view of other adults and youths. When touching youth participants, the following rules apply: Only touch on the hand, shoulder, or upper back; never against a child's will (unless in the case of clear and present danger to the child); never against a child's discomfort, whether expressed verbally or non-verbally. Be careful to avoid physical restraint or contact when disciplining. Children will sometimes want to hug - if so, bend down and give them a side hug while in front of others. Keep hands on shoulders. Do not pick children up or hold them on your lap. Do not kiss them.
- Respect of privacy. Adult leaders must respect the privacy of youth participants in situations such as changing clothes or going to the restroom and intrude only to the extent that health and safety require. Employees must protect their own privacy in similar situations.
- Cameras, imaging, and digital devices. It is inappropriate to use any device capable of recording or transmitting visual images in restrooms or other areas where participants expect privacy.
- Transportation. Do not drive youth program participants in your car.
- Separate accommodations. No youth is permitted to sleep in the tent, room, etc. of an employee other than his/her own parent or guardian.
- Cell phones. Do not contact youth participants on your cell phone, whether it is Town-issued or personal, including text messaging, for any reason other than program-related purposes. Do not allow youth participants to borrow your phone for any reason. If it is an emergency, have them use an office phone.
- Substance Use and Abuse. Consumption, possession or public display of alcohol, tobacco products or any illegal substances while on duty is strictly prohibited and cause for immediate dismissal.
- Language. Profanity and off-color stories are unacceptable under any circumstances and are cause for dismissal if used in the presence of children.
- Staff Relations. No public relationships: please keep your hands to yourself and any relationships between employees should remain unknown to the youth participants.
- Other prohibited behavior. Physical violence, sexual harassment, immoral and unethical actions, hazing, bullying, theft, dishonesty, recklessness on the job, habitual tardiness, verbal insults, misconduct and/or attitudes that constitute an unwholesome influence on other employees, volunteers and especially the youth participants or any other actions of personal conduct affecting or impairing the reputation of the programs or the Town will not be tolerated and may result in disciplinary action up to and including termination

Section 8.01 OUTSIDE OF WORK

You are a private citizen, but you are also always a role model to youth program participants. Your off-hours conduct can affect your job security. Do not use social networking websites, blogging, or emails to communicate with youth participants. Use discretion when communicating through these means with other employees, volunteers, parents and guardians. Do not post anything on social networking sites that could compromise your position as a representative of youth programs for the Town of Newmarket.

Be careful in extending your contact with youth participants outside of work. Do not send text messages or instant messages, drive youth participants in your car or invite them to your house or allow them to show up there.

An employee speaking or writing as a citizen should be free from institutional censorship or discipline, but your special position in the community carries special obligations. Remember that the public may judge your profession, Department and the Town by your utterances. Hence you should, at all times, exercise appropriate restraint, show respect for the opinion of others, and make every effort to indicate that you are not a Department or Town spokesperson.

[HISTORY: Adopted by the Town Council of the Town of Newmarket May 21, 2008. Amended by the Town Council February 9, 2011.]

S:\NA-NE\NEWMARKET\EMPLOYMENT\PROPOSED PERSONNEL POLICY.DOCX

APPENDICIES, POLICIES, FORMS, AND GUIDELINES

NEW EMPLOYEE ORIENTATION CHECKLIST

Employee's Name: _____ Date of Employment _____

Job Title: _____ Location/Dept. _____

Supervisor: _____

Forms Completed: Finance Dept_

_____ Application for employment

_____ Signed offer letter

_____ W-4 federal tax withholding

_____ State tax withholding (if applicable)

_____ EEO information questionnaire

_____ I-9 verification

_____ Second Injury Fund Form

_____ Other (specify)

Introduction to the Organization: Finance Dept_

_____ History and general information about Town

_____ Personnel Policy

_____ Other policies and procedures

_____ Sexual and Other Harassment Reporting Procedures

Compensation: Department Supervisor

_____ Job title, rate of pay

_____ Payment of salary--when and how

_____ Payment of overtime

_____ Timecard procedure

_____ Salary increases, performance review system

_____ Travel arrangements (expense reports)

Benefits: Finance Department

_____ Medical insurance coverage and enrollment

_____ Dental insurance coverage and enrollment

_____ Pre-existing conditions limitations

_____ Life insurance coverage and enrollment

_____ Long-term disability insurance coverage and enrollment

_____ Vacation

_____ Sick leave

_____ Holidays

_____ Disability leave

_____ Other leaves of absence

_____ New Hampshire Retirement System

_____ Other benefits (specify)_____

Records: Department Supervisor

_____ Keys

_____ Credit cards

_____ Uniforms

_____ Other Records (specify) _____

Tour of Facilities: Department Supervisor

_____ Location of work area

_____ Introduced to all employees

_____ Location of restrooms, storage for personal belongings, procedure for
coffee, lunches, etc.

_____ Location of cafeteria or local eating-places

_____ Location of bulletin boards

Hours: Department Supervisor

_____ Start and stop times

_____ Personal calls

_____ Smoking, eating at workstation, responsibility for good housekeeping, etc.

_____ Personal appearance and dress

_____ Punctuality

_____ Reporting when absent

_____ Importance of good attendance

- _____ Parking
- _____ Entrance to facilities during off hours
- _____ Other (specify) _____
- _____
- _____

Operations: Department Supervisor

- _____ General operating procedures
- _____ How department integrates with rest of organization
- _____ How job integrates with departmental and organizational operations
- _____ Why the job is important
- _____ Conduct and performance standards
- _____ How work is scheduled
- _____ Job duties and responsibilities

Safety and Health: Department Supervisor

- _____ iImportance of safety on the job
- _____ Safety is everyone's job/safety responsibilities
- _____ Reporting safety hazards
- _____ Reporting work-related injuries/illnesses
- _____ Copy of Safety Plan

Initial Training: Department Supervisor

_____ Where and when

_____ Training agenda

_____ Performance benchmarks, quantity and quality standards

Where to Get Information and Assistance: Department Supervisor

_____ Within the department

_____ Other departments

Security/Emergency Procedures: Department Supervisor

_____ Opening and closing procedures

_____ Special security procedures

_____ Location of exits

_____ Location of fire extinguishers

_____ Location of first aid kits

_____ Procedure in case of earthquake or fire

_____ Emergency shutdown of facilities

Communications: Department Supervisor

_____ Introduced to management

_____ [Policies](#), literature, reading material

_____ First day lunch companion

Orientation Completed by:

Name

Date

Name

Date

My signature below indicates that the items checked above have been covered with me during my new employee orientation.

Signature of New Employee

Date

APPENDIX A

ALCOHOL AND DRUG FREE WORKPLACE POLICY

1. GENERAL POLICY. The purpose of this policy is to implement the Federal Drug Free Workplace Act of 1988 by providing for a safe and productive work environment that is free from impaired performance caused by employee use or abuse of alcohol, controlled substances, and/or medication.

2. EMPLOYEE RESPONSIBILITIES.

A. No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol.

B. Any employee convicted under a federal or state statute regulating controlled substances shall notify the Town Administrator within five (5) days after the conviction.

C. Employees are prohibited from consuming alcoholic beverages within 4 hours before reporting to work, during work hours, or while at work during breaks or lunches.

D. No employee shall be impaired by alcohol, illegal drugs, or medication during work hours, and shall not operate any town vehicle after consuming alcoholic beverages, illegal drugs or medications.

E. No employee shall represent the Town in an official capacity while impaired by alcohol, illegal drugs, or medication.

F. No employee using medication that may impair performance shall operate a motor vehicle or engage in safety sensitive functions while on duty for the Town.

G. If an employee is using prescription or non-prescription medication that may impair the ability to safely perform duties, the employee shall report that fact to the Town Administrator.

3. DISCIPLINARY ACTION. Because of the serious nature of illegal use or abuse of alcohol, controlled substances, and/or medication, violations of this policy will lead to appropriate disciplinary action, up to and including termination.

APPENDIX B

E-MAIL, COMPUTER AND TELEPHONIC COMMUNICATIONS

All electronic and telephonic communication systems and all communications and information transmitted by, received from, or stored in these systems are the property of the Town and as such are to be used solely for job-related purposes. Users of these systems should have no expectation of privacy, such systems, or their contents. The use of any software and business equipment, including, but not limited to facsimiles, telecopy's, computers, and copy machines for private purposes is strictly prohibited.

Employees using this equipment for personal purposes do so at their own risk. Further, employees are not permitted to use a code, access a file, or retrieve any stored communication unless authorized to do so or unless they have received prior clearance from an authorized Town representative. All data stored upon a Town owned computer is the property of the Town. Moreover, unacceptable use of the e-mail system will not be tolerated. Employees who violate this policy are subject to disciplinary action, up to and including discharge.

Unacceptable use of the Town's e mail and voice mail services is based on common sense, common decency, and civility applied to the electronic communications environment. It is anticipated that the Town e-mail and voice mail services will be utilized primarily to facilitate the delivery of services to our customers, and to assist in the day-to-day operation of the Town. Unacceptable uses of the Town's e-mail system include, but are not necessarily limited to, the following:

- Using e-mail or voice mail for unauthorized transmission of highly confidential or sensitive customer or proprietary material outside of the office
- Using e mail for any business or commercial purposes other than the Town's delivery of services to its customers
- Misrepresenting your identity or affiliation in any e mail or voice mail communication
- Sending harassing, intimidating, abusive or offensive material to, or about, others
- Intercepting, disrupting or altering electronic communications messages or data packets
- Using someone else's identity and/or password to send or receive e-mail or voice mail without the express permission of that user.
- Receiving or transmitting sexually explicit material of any type
- Posting unauthorized newsgroup or bulletin board messages on behalf of the Town

Causing, directly or indirectly, excessive strain on any computing facilities or resources, or unwarranted or unsolicited interference with others' use of e-mail, e-mail systems, or voice mail systems. Such activities include, but are not limited to, the use of e-mail services:

- (i) to send or forward e-mail chain letters;

- (ii) to "spam", that is, to exploit list servers or similar broadcast systems for purposes beyond their intended scope to amplify the widespread distribution of unsolicited e-mail; and
- (iii) to "letter bomb", that is, to resend the same e-mail repeatedly to one or more recipients in order to purposely interfere with the recipient's use of e-mail.
- (iv) Using e mail for any purpose that violates federal or state laws

To ensure that the use of electronic and telephonic communications systems and business equipment is consistent with the Town's legitimate business interests, authorized representatives of the Town may monitor the use of such equipment from time to time. This may include listening to stored voice-mail messages and reviewing e-mail messages.

As a condition of employment and continued employment, employees are required to sign an e-mail or voice-mail acknowledgment form. Applicants are required to sign this form on acceptance of an employment offer by the Town.

APPENDIX C

STATEMENT OF POLICY FOR USE OF TOWN COMPUTER RESOURCES

The Town provides personal computer workstations (PCs) and software to its employees with the objective of assisting them in serving the Town's citizens. To ensure that its employees use its computer resources properly, the Town has created this Computer Use Policy.

The implementation of this policy is intended to minimize system downtime; to protect the security and integrity of the data stored on the firm's computers; to insure that all software installed on the firm's computers complies fully with the terms and conditions of any applicable software licenses; and to promote proper and cost-effective utilization of the Town's human and technological resources. For the purpose of this policy statement:

- the term "computer resources" shall mean any portions of the Town's computer network wherever they may be located. Computer Resources includes but are not limited to: networked computers, servers, stand-alone computers, laptops, software, data files and all internal and external communication services.
- the term "users" refers to all employees, contractors, consultants, vendors, temporary workers or other persons who use Town computer resources
- the term "non-Town software" shall mean any application software for which the ownership or license is held by any entity other than the Town.

NO EXPECTATION OF PRIVACY

The computers and computer accounts given to users at the Town are to assist them in their day-to-day operations. Users should not have an expectation of privacy in anything they create, store, send or receive on these computer resources. In addition, use of passwords to gain access to the computer system does not imply that users have an expectation of privacy in the material they create or receive on Town computer resources.

The computer resources of the Town are Town property. Additionally, all information sent or received on these computer resources is and remains the property of the Town (and/or the State of NH-BB). They are not the private property of any employee. The Town has the right, but not the duty, to monitor any and all aspects of its computer resources, including but not limited to, monitoring sites visited by employees on the Internet, monitoring chat groups and newsgroups, reviewing material downloaded or uploaded by users to the Internet or other computer resources and reviewing e-mail sent and received by users.

USE OF COMPUTER RESOURCES

The computer system is the property of the Town and may only be used for the business purposes of the Town. Users are permitted access to computer resources to assist them in the

performance of their jobs. Occasional, limited, appropriate personal use of the computer system is permitted provided that the use does not (1) interfere with the user's work performance; (2) interfere with any other user's work performance; (3) have undue impact on the operation of the computer system; or (4) violate any other provision of this policy or any other policy, guideline, or standard of the Town. At all times, users have the responsibility to use computer resources in a professional, ethical, and lawful manner. Personal use of the computer system is a privilege that may be revoked at any time.

Access to all software applications loaded on Town PCs is restricted to Town personnel only.

USE OF THE INTERNET

The Town maintains a connection to the Internet including access to the World Wide Web (WWW), Newsgroups, File Transfer Protocol (FTP), and other services. These, and all other services that can be obtained using the Internet, are collectively referred to below as "Internet access." Internet access is provided by the Town to assist in the conduct of business. The following policies apply to the use of this Internet connection (please also refer to the separate policy regarding e-mail):

1. Internet access is reserved for the conduct of Town business and may be used for occasional off-duty personal information gathering from time to time; however, use of the Town's Internet access for personal business ventures is prohibited.
2. Internet access may not be used to solicit or recruit for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.
3. Internet access is not to be used to send or receive offensive or disruptive information. Among those which are considered offensive is information which contains sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability.
4. Internet access shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary information, or similar materials without prior authorization.
5. Software downloaded using Internet access cannot be installed on Town hardware without prior permission of the Town Administrator.
6. The Town reserves and intends to exercise the rights to review, audit, intercept, access and disclose information, received or sent using Internet access for any purpose.
7. Certain types of Internet access, such as Newsgroups can generate excessive e-mail traffic on Town hardware, which could overburden this equipment. The use of these types of

Internet access should be limited to Town business only. Participation in non-professional newsgroups, chat rooms and forums using the Town's Internet access is prohibited.

USE OF NON-TOWN SOFTWARE

It has been determined that the installation and use of non-Town owned software can pose a number of serious threats to the Town's computer resources. These threats include the loss of client and firm data resulting from computer viruses; the loss of employee time spent diagnosing and correcting problems created by computer viruses; the loss of employee time spent diagnosing and correcting problems created by the installation of software that is incompatible with the Town's existing software; and the loss of employee time resulting from inappropriate use of game software. In order to minimize these risks, and to maximize the overall utility of the Town's considerable investment in computer technology, the following policy applies to all users:

1. No non-Town software including software downloaded from the Internet or received via e-mail will be installed on any Town PCs or network servers except by IT Department personnel.
2. No non-Town software will be installed from any medium other than the original distribution diskettes or CD-ROM's provided by the software vendor.
3. Prior to installing any non-Town software, the IT Department will determine whether the software has a valid application to the performance of legal services for the firm's clients.
4. After consultation with the users, the IT Department has been advised to remove any unauthorized non-Town software discovered on Town PCs or servers.
5. Prior to installing any non-Town software, the IT Department will perform a virus check on the incoming software.

ACKNOWLEDGMENT FORM

I have received copies of the E-Mail, Alcohol and Drug Free Workplace, Computer and Telephonic Communications Policy and the Statement of Policy for Use of Town Computer Resources.

I understand that all electronic communication systems and all information transmitted by, received from, or stored in these systems are the property of the Town. I also understand that I should have no expectation of privacy in connection with the use of this equipment or with the transmission, receipt, or storage of information in this equipment and that the Town will, but is not obligated to, monitor my use of the Town's computer and e-mail systems. Such monitoring may include printing and reading all e-mail entering, leaving, or stored in these systems, reviewing of phone and internet use records, and listening to voice mail messages in the ordinary course of business.

Name of Employee (Please print)

Employee's Signature

Date

Witness

RECEIPT AND ACKNOWLEDGMENT OF PERSONNEL POLICY

This Personnel Policy is an important document intended to help you become acquainted with the Town of Newmarket. This Policy will serve as a guide; it is not the final word in all cases. Individual circumstances may call for individual attention.

Please read the following statements and sign below to indicate your receipt and acknowledgment of the Personnel Policy.

- I have received a copy and understand it is my obligation to read the Personnel Policy. I understand that the policies described in the Policy are subject to change at the Town’s sole discretion at any time.
- I acknowledge that I have the right to terminate my employment with the Town at any time without notice. In turn, I acknowledge that the Town has the right to terminate my employment in its sole discretion, subject to any statutory or federal or state constitutional requirements, if applicable.
- I am aware that the descriptions of benefits in this Policy are not contractual in nature and do not guarantee any continuance of said benefits.
- I understand that the Town has included in this Policy a policy against harassment and discrimination because the Town seeks to provide a workplace free of sexual and other prohibited harassment. I understand that unlawful harassment will not be tolerated by the Town.
- I am aware that during the course of my employment, confidential information may be made available to me. I understand that this confidential information must not be given out or used outside of Town premises or with non-Town employees, except as required by law.
- I understand that my signature below indicates that I have read and understand the above statements and have received a copy of the Personnel Policy.

Employee’s Name (please print)

Date: _____

Employee’s Signature

Date: _____

Witness Name (please print)

Witness Signature



**Town of Newmarket, New Hampshire
Town Council Workshop
August 21, 2013 7:00 p.m.
Town Council Chambers**

7. New Business

a. Closing Comments by Town Councilors

8. Adjournment