



**Town of Newmarket, New Hampshire
Town Council Business Meeting
July 10, 2013 7:00 p.m.
Council Chambers**

AGENDA:

1. Pledge of Allegiance

2. Public Forum

3. Town Council to Consider Acceptance of Minutes

a. June 19, 2013 WS

4. Report of the Town Administrator

5. Old Business

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

- i. Resolution #2012/2013-57 Authorizing the Town Administrator to Enter Into an Agreement for Asphalt
- ii. Resolution #2012/2013-58 Authorizing the Town Administrator to Enter Into an Agreement for Granite Curb Stone
- iii. Resolution #2012/2013-59 Transferring Funds from the Downtown TIF Capital Reserve Fund
- iv. Resolution #2012/2013-60 Increase of Sewer Rates
- v. Resolution #2012/2013-63 Contract for the Lamprey River Macallen Dam Removal Feasibility and Impact Analysis
- vi. Resolution #2012/2013-64 Withdrawal of \$100,000 from the Municipal Transportation Fund for the Purpose of Road Maintenance
- vii. Resolution #2012/2013-65 Authorizing Lot Line Adjustment and Access Easements for Heron Point Sanctuary (Wajda Family Trust)

b. Ordinances and Resolutions in the 3rd Reading

c. Items Laid on the Table – *Items remain on the table until a member of the Council moves to remove an item from the table. No action is taken until that time*

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

6. New Business/Correspondence

a. Town Council to Consider Nominations, Appointments and Elections

- i. None

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

- i. Resolution #2013/2014-01 Small Claims Unpaid Police Detail Fees \$200
- ii. Resolution #2013/2014-02 Repair and Maintenance on George M. Stevens Tower Clock
- iii. Resolution #2013/2014-03 Establishing a Recreation Revolving Fund
- iv. Resolution #2013/2014-04 Authorizing the withdrawal of \$99,000 from the Public Works Capital Reserve Fund to Purchase a Trackless Sidewalk Plow/Trackless
- v. Resolution #2013/2014-05 Authorizing the Town Administrator to Enter into a Two-Year Agreement with Municipal Resources Inc. for Assessing Services
- vi. Resolution #2013/2014 – 06 Relating to the withdrawal of \$10,000 from Sewer Impact Fees for engineering services to determine the needed increased capacity and cost of the Bay Road Force Main
- vii. Resolution #2013/2014 – 07 Authorizing the Town Administrator to enter into an 18 –Month agreement with ENH as the Town’s Electrical Provider
- viii. Resolution #2013/2014-08 Relating to the Releasing of \$14,148 of Comcast Franchise Fee

c. Correspondence to the Town Council

d. Closing Comments by Town Councilors

7. Adjournment

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



**Town of Newmarket, New Hampshire
Town Council Business Meeting
July 10, 2013 7:00 p.m.
Council Chambers**

3. Town Council to Consider Acceptance of Minutes

- a. June 19, 2013 Workshop

DRAFT

**TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL WORKSHOP
JUNE 19, 2013 6:00 P.M.
TOWN COUNCIL CHAMBERS**

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

Town Administrator Steve Fournier

EXCUSED: Council Vice Chairman John Bentley

Council Chairman Levy called the meeting to order at 6:00 p.m., followed by the Pledge of Allegiance. He read a letter from the Newmarket Gardeners and asked for a moment of silence in honor of Marilyn Benson who had passed away on June 5th. Ms. Benson had been an active member of the Newmarket Gardeners and was responsible for designing and maintaining many of the gardens found on public property in town.

PUBLIC FORUM

Council Chairman Levy suggested that public comment on the agenda items concerning the Macallen Dam and Mayberry study on the M-2 zoning proposal be held until after presentations were complete. James Dreher of Durham Boat Company said he had read the Wright-Pierce Dam Removal Study, and had concerns about lowering the river. He suggested they look into the natural spillway located 2000 meters from Packers Falls. He agreed to complete his comments after Wright Pierce had presented its report. Councilor Pickering, noting that the Council normally meets at 7:00, asked that anyone arriving at that time be allowed to speak. Council Chairman Levy agreed. Public Forum closed at 6:05 p.m.

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Councilor Nazzaro moved to approve the minutes of the June 5, 2013 business meeting. Councilor Carmichael seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion carried unanimously, 6 – 0.

Councilor Nazzaro moved to approve the minutes of the June 5, 2013 non-public meeting. Councilor Carmichael seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion carried unanimously, 6 – 0.

REVIEW OF DEPARTMENT REPORTS

Town Administrator Fournier said he had some questions from Councilor Pickering concerning overages for gas, diesel fuel and overtime in the Public Works Department. He had conferred with the Finance Director and left a

memo in the Councilors' mailboxes stating that these costs were not out of the ordinary. The increases were from the large amount of snow during the winter and increases in fuel costs. Town Administrator Fournier had an additional item to report. The Council had authorized the sale of the old DPW building to Whispering Pines Animal Crematory in 2010. Settlement would take place on Thursday, June 20th and the town would receive a check for \$232,000. Councilor Pickering asked why the amount for contracted services in DPW expenditures was double the original appropriations. Town Administrator Fournier said that large amounts of snow had to be trucked from the downtown area after the blizzard and this required larger trucks. He will find out the name of the contractor.

TOWN COUNCIL TO CONSIDER REPORTS FROM COUNCIL REP COMMITTEES

Planning Board: Councilor Wright said Newmarket Mills had come before the Board with a conceptual plan of 52 units at the Rockingham Golf Course. Their other proposal for a 600 square foot retail space was tabled until the next meeting.

Conservation Commission: Councilor Pike said they had discussed what measures to take in controlling an invasive species found on Ash Swamp Road. They continued their discussion about signage around surface water. They determined that the red pigment had faded and there was no vandalism.

Economic Development Committee: Council Chairman Levy and Councilor Nazzaro both serve on the Committee. The Committee had met with its consultant, and expected part one of the report to be complete by the end of July. This part will cover data that places Newmarket in its surrounding area, and the Committee will meet to discuss the findings after receiving this data. The second part of the proposal is expected to contain findings and suggestions as to how Newmarket can proceed tangibly to meet its goals.

Budget Committee: Councilor Pickering said the Committee discussed the previous meeting and the appointment to fill its one year vacancy. A legal opinion, stating that there was no fault with the appointment procedure, had been received from LGC. The Committee also met with Superintendent of Schools Hayes and School Business Manager Blouin on the school districts expenses and revenues. Chairman Snyder brought up the concern of many for more parity between town and school employee percentage contributions to health insurance. On July 22nd, the Committee will hold a budget training workshop to which the Council, School Board and any other interested parties will be invited.

DISCUSSIONS/ PRESENTATIONS

MACALLEN DAM:

Ryan Wingard from Wright Pierce presented the dam breach analysis and rehabilitation report. Also in attendance was Bill Brown from the firm. Newmarket had received a letter of deficiency from NHDES in 2008. The town was required to update inundation mapping, repair deteriorating concrete and submit a design to increase the current undersized spillway capacity to 2.5 xQ100 or IDF. Wright Pierce had been hired to study dam rehabilitation and address structural deficiencies and spillway capacity. Wright Pierce did a structural investigation in 2009 and prepared a cost estimate for repairs. A dam breach analysis confirmed the design flow and dam hazard classification and updated inundation mapping. They looked at spillway capacity and prepared an analysis of rehabilitation alternatives. They next looked at the amount of water the spillway should be able to handle. In 2008, NHDES determined the flood flow capacity was 8,300 cfs, which was confirmed in May of

2010. In 2013, they settled on an updated split flow model of 10,259 cfs for a 100 year flood, which was approved by DES in March.

From the visual structural investigation of 2009, they recommended repairs and maintenance to the existing structure that should be done in approximately 2 years, and additional modifications to pass the design storm flows. Mr. Wingard said the structural repairs were divided into 2 parts: part 1 would be to repair the gate structure and east retaining wall for about \$234,000; part 2, which could be put off for a while as it could affect spillway capacity, would be to repair the dam structure and west retaining wall for about \$315,000. For the breach analysis, they confirmed the NHDES hazard classification which remains high, as it could involve loss of life as well as structural damage because the dam abutment is an integral part of a building foundation. The inundation mapping had been updated, and there were 2 breach maps shown: one showed the flow upstream and down if the dam were breached on a non-stormy day, and the other the flow if the dam were breached during a 100 year flood.

Also there were alternative adjustments that could be made to bring the spillway capacity to handle a 100 year flood of 10,259 cfs. This has to be done with one foot of freeboard and no gate operations. Under existing conditions, and with the gates opened, their modeling showed that the dam would be overtopped by 1.7 feet, but the condition would be worse if the gates were closed. Mr. Wingard said the study focused on the area around the dam, and not upstream. In general, they looked at alternative combinations of lowering the crest elevation of the dam from the existing 22.18 feet and increasing the crest length from the present 70 feet. Presently with the gates closed there are -5.84 feet of free board. Lowering the height of the dam is also called partial dam removal. Because of the proximity of buildings to the dam, extending its length to 350 feet to reach necessary spillway capacity would not be feasible. Sometimes a notch can be added to increase length, but this might not be effective in flood conditions. Lowering the crest to 12.59 feet to meet the requirement had potential upstream consequences and would affect the fish ladder. The study looked at combining length and crest adjustments and raising the west abutment and estimated costs for each with 1 foot of freeboard. Adding a crest gate to the dam might be considered as "with operations" by NHDES and might not be allowed as part of an alternative solution.

Mr. Wingard thought there might be other alternatives, such as overtopping, by allowing water to go around the spillway. This would require armoring the area downstream and would depend on the depth duration and velocity of the flow. This had the potential of affecting nearby residential and commercial structures, and even if this method increased the crest to 140 feet, the dam would still have to be lowered by 3 feet. Another alternative would be to stabilize the existing structure by anchoring it to bedrock, as had been considered for Exeter. There was also the option of an inflatable flash board/gate system which would require a compression building, but it wasn't known for sure if NHDES would approve this or consider it an operating system. Leo Filion said that there had been 44inch wooden flashboards on the dam for about 50 years and the legislature had passed a law allowing this. Mr. Wingard said that flash boards were designed to break at certain water levels and be swept downstream and would not be considered as operations.

Mr. Wingard summarized by saying that just to repair the structural deficiencies would cost approximately \$234,000. To pass the 100 year flood rate requirement could cost anywhere between \$1.1 and \$4.6 M in part because of site constraints and partial dam removal could be an option. He said it would be important to compare the dam removal study, once complete, with his firm's rehabilitation study. His firm was not making any recommendations at this point, but presenting alternatives. Council Chairman Levy asked if water could be diverted through a culvert under the building shown in the right of the picture. Mr. Wingard said he would be concerned at how this could affect the stability of the structure, and somehow, water would have to be piped

back into the river. Councilor Wright asked if a V notch could be put in vertically in the middle of the dam, but Mr. Wingard said that under dry conditions, the water flow would be at the bottom of the V and would not maintain the water source upstream. Also, he did not think this would improve the flow under a 100 year flood condition. Councilor Wright asked if there were any pictures showing what the area would look like in seasons if the dam were lowered. Mr. Wingard said he had pictures taken in November 2009 from when the water was drawn down, and once he knew how far it had been drawn down, he could approximate other levels. He added that he had no pictures past the bridge. Councilor Nazzaro asked more about flashboards and asked if this would be a less expensive alternative. Mr. Wingard said that some of the concrete of the spillway would be removed and replaced with boards whose pins were designed to fail and break, lowering the spillway cap under high water conditions. This would be a less expensive alternative. Mr. Fillion said the steel channels would still be on the dam. In the past, there had been a pond and water was piped to a hydro unit, but this was ended in 1951.

Council Chairman opened the discussion to public comments and questions. Russell Polk suggested the option of buying the building to the west of the spillway and demolishing it to extend the crest of the dam. John Dreher of Cushing Road spoke about the possible impact on recreational and cultural activities on the river and encouraged the town to look at alternatives that would not affect the water level. Jim Dreher owner of Durham Boat Company and a resident of Durham continued with his earlier comments about the natural spillway, referred to in the Wright Pierce study as a flow split, near Packers Falls. He thought that at about a height of 6 feet, the water was diverted to the Oyster River Basin, and Wright Pierce felt there was about a 20% flow reduction at that point. When Route 108 was built, it created the equivalent of a 6 foot high dam by 2800 foot long dam which blocks the natural spillway. He said that DOT has a plan to rebuild the road between Durham and Newmarket by 2014, and raise the road another 6 inches. He said this would increase the flow rate, and suggested that culverts be put under the road which would also keep the road from flooding. Also the flow split would be used to take some load off the dam. He also thought they could consider lowering the road to take more pressure off the dam.

Leo Fillion said that when Newmarket floods, Oyster River and Hammell Brook in Durham do also, and more water would exacerbate the situation. Jim Phelps said he thought the alternatives from Wright Pierce were helpful for the town to understand its options. He said the original NHDES letter had said the flow had to increase by an additional 2.5 cfs, but that condition had been removed, and the current rate accepted by NHDES was 10,259 cfs for a 100 year flood. He had concerns about the people living downstream from the spill, and suggested they be sent a letter informing them why the additional 2.5 cfs safety requirement had been removed. He said the UNH study referred to in the Gomez and Sullivan report set the flow at about 17,000 cfs. He wanted to know if the UNH data was going to be adopted by FEMA and NHDES, because if it was, the work might have to be done again.

Colleen Fuerst of Durham Boat Company and a resident of Durham stated that she is a civil engineer and wanted to report that there were some errors in the UNH study. She said some of the high water marks were from their building and could still be seen, but were reported incorrectly in the study. She said the calibration points for the 2007 and 2010 floods were actually about 12 inches apart, but were recorded in the study at less than an inch apart. The Mothers Day storm in 2006 was not included, but was about 5 inches apart. She had concerns about the study and whether it had been the basis for calculations. She felt any information derived from the study should be looked at and redone, because a little mistake in calibration only gets larger over time.

Leo Fillion said that FEMA had commissioned a study after the 2007 flood. The study said the 2007 flood was unusual because of the heavy rain and rapid snow melt. The highest flood recorded on the Lamprey River in

Newmarket occurred in May, 2006, while the highest flood of the Oyster River occurred in Durham in 2007. He said that UNH had had a gauging station on Packers Falls for over 100 years. He had been responsible for the dam's operation and maintenance for a long time when he worked for Essex, and he knew they had spent practically no money on the dam in 20 years and had chosen not to follow FEMA's recommendations. He continued to be responsible for the dam when Newmarket Development took it over. He said the gates did not work from 1987 to 2003, but the hydraulic system he designed for them in 2003 still worked.

As there were no further comments from the public, the public forum on the Wright Pierce Report was closed at 7:03, and Councilors began with their questions and comments on the report. Councilor Nazzaro thought that there might be a way, when the state was redoing Route 108, to leverage the funds and set conditions so that Newmarket is not put in this position again. Mr. Wingard said Ms. Fuerst had contacted him about her idea to divert some water to the Oyster River Watershed. He said it seemed that if the road was raised, it would put more pressure on the Macallen Dam. He would want to know the impact on those living downstream in Durham if the road was either lowered or had culverts built under it. He felt some water could be diverted, but not enough to correct the problem. He felt it would be worthwhile investigating as they might not have to lower the dam as much. Councilor Pike felt that they should engage Durham in any of their discussions and also consider what a change in 108 might do to study findings. Mr. Wingard said the study would cover cultural and recreational impacts and the affect on property values and would extend to Durham. Council Chairman Levy said the study would touch on this, but not go into any great depth, and asked what it would take to analyze the suggestions made involving 108. Town Administrator Fournier said the study would be an overview to give an estimate of what the impact would be. He added that a town warrant article had been approved for the study and the funds had to be used for that purpose. Any additional studies would cost additional money that had not been budgeted for at this time. Mr. Wingard said they would have to develop another hydraulic flow study similar to what his firm had done on the Lamprey River to determine the impact.

Ms. Fuerst responded to Councilor Wright's reference to a culvert on Long Marsh Road. She had met with Durham's engineer and suggested diverting water from this area of Route 108. She felt it would be helpful if Durham residents who live on the water might help with the cost of the study because it was a regional watershed problem. She felt that DOT should also be involved before beginning its project, so that culverts could be added at the same time. She felt they needed larger culverts or small bridges and perhaps with those and adding the breakaway boards to the dam there might be significant progress in solving the problem. Council Chairman Levy read from the Gomez and Sullivan proposal that it would not cover assessing the costs or impacts of issues in depth. Councilor Carmichael asked the Town Administrator to contact Durham's Town Administrator about this. Councilor Nazzaro said he would like to know the cost of installing flashboards, and asked how this would affect the height of the dam. The dam would have to be lowered by the height of the flashboards, but on a daily basis would remain the same. He said that he agreed with Councilor Carmichael that they should not spend any more money until they knew what DOT was doing on Route 108.

To Council Chairman Levy's question, Mr. Wingard said that even if the dam spillway was doubled in length to 140 feet, the crest would still have to be lowered by about 3 feet, per alternative #6. He said that would be a \$3M fix and added that maintenance of the dam would be an additional cost. Councilor Wright asked if there was any federal money to help and Mr. Wingard said he did not know of any, and DES representatives said there was none. Town Administrator Fournier said the current trend was to remove dams, but Councilor Pike said that most people he had spoken with wanted to keep the dam at its present height. He, along with everyone, was concerned about the regional impact of removing the dam, which would not be covered in the study. Town Administrator Fournier said they only had money for the removal study, but suggested a capital reserve fund with annual appropriations so they could address possible solutions. Council Chairman Levy thought a more in

depth study would be more helpful, but that kind of study would cost hundreds of thousands of dollars. He said he wanted to insure that they were spending funds in a productive manner.

Councilor Pickering asked how long Newmarket was given to fix the deficiencies in the dam. Chuck Corliss, a structural engineer from DES, said that Newmarket had addressed some of the issues. The deficiencies had been laid out and some had been deferred until the town decides to repair or remove the dam. The emergency action plan was 70% complete with the maps, but remainder needs to be completed. The left/west side of the wall could be deferred, but the right/east side had to be done more immediately, as determined by the 2009 study. The Gomez and Sullivan study would entail lowering the water level, giving them a better idea of the condition of the right wall. The 2 most crucial items he saw were the completion of the emergency action plan and a better understanding of right wall deterioration. Councilor Pike asked if DES had seen examples of other such problems being handled regionally. Mr. Corliss felt it was key that Newmarket contact DOT before they began work to discuss flow impact to the dam. He did not know of any examples of regionalization. Mr. Fillion said he saw no more use for the gates as they were meant for repairs to machinery for hydro power which was no longer used, and the spillage length would be increased if they were removed. Mr. Wingard said the additional 20 to 30 feet would help, but not enough, and the gates were needed if repairs had to be made to the dam or to prevent flooding. Councilor Pickering said that in the 2 one-hundred year floods, the side sluiceway had been opened, and asked if this had been done fast enough or if should be done prior to an impending storm. Town Administrator Fournier said that they had opened the gates for Hurricane Sandy well in advance of the storm, and it is monitored when any storm is approaching. Ms. Fuerst said she appreciated their opening the gates in advance as it had minimized the impact.

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 Removable Feasibility and Impact Analysis (Action on this item will be held until the next business meeting.)

A warrant article had passed to study removing the dam as a part of the larger study on all options. Town Planner Diane Hardy gave an overview of the process of the study. In 2011, a town warrant article for \$45,000 had passed to have a study on the option of dam removal to mitigate flooding. The town also authorized the search for state and federal grants to lessen the cost. It was hoped that the feasibility study would contain enough information for the town to make an informed decision about either repairing the dam or partially or wholly removing it. Shortly after, the Council met with NHDES River Coordinator, Deb Loiselle, to determine the best way to proceed. A Steering Committee was set up to deal with the requirements for proposals, to select an engineering firm and to seek funding. She had recommended that the volunteer committee be made up of citizens at large, representatives from the Conservation Commission and the Lamprey River Watershed Association to work with staff and experts from the state.

The Steering Committee worked within the RFP/RFQ process, interviewed and ranked qualified firms and negotiated costs. Of the 4 proposals received, Gomez and Sullivan was selected for a total cost of \$82,389, and the town received a grant of \$40,000 from the Conservation Law Trust. The scope of services would be to look at priorities through a broad survey of the range of alternatives. The study would include a field survey, hydrological analyses, structural impacts, water and sediment impact, political impacts, recreational and cultural resource analyses as well as other impacts, and provide some preliminary engineering and cost estimates and some visuals. The Committee believes there will be at least 3 – 4 public meetings to go over all the alternatives. Project Manager Gary Lanet and Overseer Mark Wormsley from Gomez and Sullivan were present to answer any questions, along with Conservation Commission Representative Stephanie Koster, Eric Hutchins from NOAH,

Kevin Lucey from the costal division of DES and Sherrie Patterson from NH fish and Game. DPW Director Rick Malasky had also been part of the process.

Councilor Nazzaro commented on the amount of work that had been done in the past 18 months and the use of in-kind hours spent against the grant. In-kind hours are kept track of and are part of the report to the funding agency. Ms. Hardy will make the contributed hours available to the Council. Councilor Nazzaro said that the town had appropriated \$45,000 for the project, and every minute spent on the project was using funds in terms of opportunity cost against other projects that could have been worked on. The taxpayers are then paying more for the project than was appropriated, and Councilor Nazzaro said the taxpayers should know the final cost along with what they appropriated. Councilor Pike asked if the scope of the Committee and study involved attempts at regionalization. Ms. Hardy had been in contact with Durham's Town Planner and it was decided that once the consultant firm was on board, they have a joint meeting and also ask Strafford Regional Planning to attend. The Steering Committee will continue working after the firm is approved and help review the study before it is sent to the Council.

Council Chairman Levy asked that the minutes from Steering Committee meetings be posted on the web site. He noted that page 63 of the packet stated that private wells up the river in Durham could be affected by the decision, and was concerned about a legal liability issue. Town Administrator Fournier agreed that Durham was a large part of the consideration and would be invited to contribute to the process. Council Chairman Levy asked if area impact was part of the scope of work for the study. Ms. Hardy said it was, but in a cursory fashion, as there were other important issues to cover. However, she felt this might be the first phase of other studies that might be necessary. Mark Wormsley of Gomez and Sullivan said they could not fully cover area impact at this time, because there had been cost-related cut backs to their original proposal. They would spend 2 hours per task, and regional impact was a large issue. Councilor Wright asked what had been found in past sediment studies. Mr. Wormsley said that first they looked into what historically had been done in the area and then did borings to look for contaminants in the sediment. Having to rid the area of contaminants would add a new dimension to the project and any additional costs would depend upon the types of contaminants found.

Councilor Nazzaro said that if they were looking at changing the landscape by removing the dam, they needed more than a cursory study to properly do their job. Town Administrator Fournier said there would have to be another study conducted before a final decision. If the decision was to remove the dam, they would have to ensure that the full impact was known. Funding was limited and this initial study would be cursory and present some answers to what- if scenarios. Essentially, this was a starting point, a feasibility study to be conducted with appropriated funds. Councilor Pickering said that the further they went into the project the more it was beginning to cost. He wondered where the money would come from for this project added to the large costs of other pressing projects. He said that adjustments would have to be made elsewhere if these were the priorities. He noted that more and more was being shifted to towns, and he did not know how much more people could afford. Town Administrator Fournier said he agreed and the state budget had also been cut to the bones, although the state was requiring the town to address the issues. He added that most communities had not taken possession of dams when the mills went out because of concerns for future issues, but Newmarket had.

Council Chairman Levy said that in the spirit of the budget, he would like to see the 10% service charge for direct costs, expenses and sub-contractors passed through. The public will be notified of the 6 progress report meetings, at least 3 of which will allow public input meetings as part of the process. Mr. Wormsley said that lowering the water level of the dam would create a huge stir in the town, but from a cost perspective, there were funds to help with full dam removal, although he was not advocating either way. Councilor Pickering thought they should also communicate with Exeter, as the town had many of the same issues. Deb Loiselle of

DES agreed, and encouraged the town to coordinate with Exeter, and offered to make contact names available. Exeter and Newmarket are both considering the consequences of either removing or modifying their dams. She encouraged people to attend the Exeter public meeting on Wednesday, June 26th at 6:30 at Exeter High School, to hear the findings of their studies.

Jim Phelps of Newmarket said the warrant article that passed was for an information finding project. He, along with others who had property on the river, was concerned with what would happen and how property values would be affected. Trevor and Lebanon and Great Bay Estuaries had provided data to the town a few years ago, that suggested property values could go up. He could not confirm the findings, but thought this should be part of the evaluation process along with other impacts. He said there was data from non-profits that could be obtained to get more information. Eric Hutchins of the National Marine Fisheries in Gloucester, which is partially funding the study, had reviewed the Wright Pierce Report. He said the issue in Newmarket was unique, but emphasized that the proposed feasibility study would help them look at the other alternatives to full dam removal for comparison in making a decision. As an aside to the idea of flashboards, most are 3 feet high, not 10 feet. Jim Phelps suggested that Gomez and Sullivan take freeze photographs at certain level when drawing down the water so townspeople could have an idea of what would be left. Councilor Nazzaro said he understood how state employees time could be in-kind, but it made no rational sense how town employee's time could be considered in-kind. Town Administrator Fournier said he agreed, but that was the rationale between different levels of government. Public input closed at 8:12.

REVIEW MAYBERRY REPORT ON M-2 ZONING PROPOSAL

The report focused on the M-2 zoning proposal in the downtown area from approximately Elm Street to Rite Aid and was in response to questions that had arisen during the February Public Hearing. Council Chairman Levy asked that public comments be deferred until after the report was given.

Bruce Mayberry of BCM Planning, LLC cited his over 30 years experience in analyzing housing demographics and fiscal impacts. He said this report had a rather narrow view on the fiscal impacts of multi-family housing. The scope of the review was in answer to Council questions on the M-2 potential with a maximum of 47 possible units on 37 scattered sites and the need for their ties to commercial components in order to go forward. The impact of multi-family housing would be analyzed in terms of population, school enrollment, public safety demand, relative fiscal impact and multi-family share of housing stock. He felt that most of the report would be based on local data. Multi-family housing stock is defined as 3+ unit structures or attached townhouses. Newmarket has about 2,180 such units, representing about 52.7% of its housing. Rental properties represent about 45.6% of its total households. Newmarket has a relatively small geographic area to support approximately 9,000 residents and is considered densely populated, more like a small city than a rural area. He felt that Newmarket performs well in providing fair share housing. There also is a demand for housing from UNH, as there is in Dover.

Mr. Mayberry next showed a multi-family housing comparison of Newmarket with other area towns. Newmarket was pretty much on top in the ratio of multi-family units to single family homes, and would be closest to Portsmouth, Durham and Dover. Next, he showed a chart of municipalities with rental percentages over 40% rentals, some of which are college or university town or service towns. Many have a higher commercial base than Newmarket. In the 2010 census, Newmarket's share was 46%. The net gain in Newmarket's home ownership rate had risen by 45% in 1980 – 1990, by 59% in 1990 – 2000 and by 67% from 2000 -2010. This statistic represents the trend of growth in home ownership during the period, not the ratio of rentals to owned residences. Mr. Mayberry put these comparisons in context. Newmarket is a highly densely

populated area with a relatively small geographic space, and thus has many urban district characteristics. It has a high proportion of multi-family stock, and a water and sewer infrastructure to support it. Most of the multi-family development in the area has occurred in Portsmouth, Dover, Somersworth and Newmarket. Newmarket has a low ratio of jobs to population within its boundaries, which tends to reduce the tax contribution from the commercial sector in relation to that of home owners. Although Newmarket has a 46% rental rate, there has been a 30 year trend in the increase of home ownership. The role of multi-family housing is in building and maintaining the local labor supply, sustaining local businesses and jobs, and providing diversity in housing choice.

Mr. Mayberry presented statistics showing the impact on services from 47 single-family versus 47 multi-family housing units. All cases showed a lower impact on services from 47 multifamily units with 1 – 2 bedrooms than from 47 single family homes. A comparison of statewide school enrollment impact done in 2000 was based on the number of bedrooms per household, and showed higher enrollments as the number of bedrooms increase. A multi-family unit with 3 bedrooms could have the same number of school children as a single family home with 3 bedrooms. However, multi-family units tend to have fewer bedrooms. The next chart showed home owned housing versus rental units by household size in Newmarket in 2000 and in 2010 and supported the downward trend in overall household size for both types of housing. The household size for multi-family was the lower of the two. The largest overall gain in households in Newmarket over the last decade has been in households with 1 – 2 residents. Mr. Mayberry had worked on an impact fees as part of a study in Newmarket in 2000. He took the school enrollment by address and matched it to the assessment data. This was done to determine how many students Newmarket had in different types of housing. The average single family had .51 students, the average townhouse, .346, 2 – 4 unit structures, .218, and the large structures with multiple units, .137. He felt the population had decreased since then. The larger the number of units per structure, the lower the figures for school enrollment are likely to be. He had looked at the total school population in Newmarket over the last 30 year, and other than one decade, school enrollment did not increase proportionally with increased housing units. Presently there is an average of .3 students in all types of housing units. He added that affluent towns with new school buildings tend to see the highest enrollments. Also in the 2000 Newmarket study, they found that the 48% of single family homes contained 67% of the school population, and that the 44% of multi-family housing contained 24%, the remainder being in duplex units.

For the fiscal analysis, Mr. Mayberry had based his figures on the amount in property taxes raised to offset services, and not added in any additional fees the town might collect. On the school side, the average per pupil cost was determined to be \$11,559, and the amount raised per resident for town services was \$505. For town services, it could be assumed that some safety services would be consumed by non-residents, so he had reduced the town amount by 80% to \$404. He then compared school enrollment versus the type of housing, the range representing a time span: single family, (.41 to .51); duplex, (.22 to .38), and multi-family, (.13 to .22). This was compared to the school taxes needed per unit: single family, (\$4,739 to \$5,895); duplex, (\$2,540 to \$4,390) and multi-family, (\$1,503 to \$2,543). In general, the break even tax value for the school would result in per unit assessments of: \$268,000 to \$323,000 for single family homes, \$160,000 to \$252,000 for duplexes and \$106,000 to \$156,000 for multi-family units. The multi-family units have a lower threshold to meet the break- even point, but whether or not a building meets the threshold can depend on its type and condition.

Council Chairman Levy asked if condos were included in multi-family housing, which they are; the taxes needed and the break- even tax value for assessments are per unit, and found by taking the total assessed value of the building and dividing it by the number of units. Some complexes or units could be assessed higher or lower than the average, as multi-family refers to a wide range of housing units. In summation, Mr. Mayberry said that persons and pupils decline as density increases and the multi-family impact is lower than single family. There was

less tax revenue from multi-families per unit, but the break-even valuation required to meet revenue was lower, especially for condos. M-2 zoned units accompanied by commercial uses will raise the tax yield of properties. Impact studies look at properties on a case by case basis to determine what revenues they can be expected to generate to meet their use of services and proposals have to be reviewed for accuracy.

Council Chairman Levy asked for public comments. Chris Nickerson, representing the Deckers, owners of the property on the corner of Elm Street and 108, said that they support the zoning proposal. He said this plan seemed to support economic development to make the downtown a more vibrant area. Previously, he had shown a plan that would convert the old Mill Owners House to commercial office space and develop the area on the water to town house-style condos. He thought the increase in revenue to the town could help with some of the large capital costs the town was facing. In addition, upon site review, the owners were willing to make a contribution to the town in the form of some parking spaces, open space or a park. They intended to restrict future commercial use to the original building facing 108, and develop the rest of the property for housing to suit the residential area.

Rose-Anne Kwaks of Wadleigh Falls Road said she had read the report and the ordinance. She didn't think they should ignore Chapter 5 on preferred housing in the Master Plan, even though the plan was old. She did not feel Newmarket needed any more infill in the downtown area or any other area in town to support economic development. She said Newmarket had more density in multi-family housing than Dover with fewer square miles, and the town did not need more to support economic development. She had concerns with the ordinance because it said the fiscal statement and market analysis could be waived by the Planning Board, and she felt the Board was taking authority away from the ZBA. She also thought there was no sure way to determine if buildings would continue to have enough income to sustain them or if the landlord would sustain them. She was concerned that some of the smaller lots in question could be combined and increase the number of housing units. She felt the change should be put off until the codification of ordinances was complete. She said that Mr. Mayberry's report had been based on the Planning Board's determination of a maximum of 47 units but the Planning Board had originally given a higher number. She felt they should limit the number of bedrooms allowed to 1 or 2, and limit the square footage of units, adding that the town would get more revenue from condos than from rentals. She felt the multi-family figures were skewed as they included higher priced condos in with less valuable rentals. She was concerned that the architectural review board for properties on 108 was an advisory board only, and felt there was nothing to prevent any type of building coming in. For the above reasons, she did not see how the zoning change would help Newmarket.

Chris Nichols responded to Ms. Kwaks remarks, referring to the footnote under chart 5, which stated that by encouraging infill, the overall tax yield per acre would increase and give the town to opportunity to improve its tax base. He added that it would not be unreasonable to add the number of bedrooms to the ordinance, and 2 bedrooms would probably be appropriate for the area. He felt that limiting the square footage might not do anything except limiting someone from building a nicer unit.

Val Shelton of the Planning Board brought up the condition of the old housing stock in the area they were proposing for M-2 zoning. She said it is very clear that any property with mixed-use is taxed higher, and the change would increase the tax base. The abutters to the Decker's Elm Street property did not want commercial development on the side street and that part of the property will be residential. She said the unintended consequence of reducing density from 6 units to 4 per acre, would be to encourage the development of units with more bedrooms. Council Chairman asked if they could require the size of the units to be smaller, and Ms. Shelton said that was a legal question. In reference to Ms. Kwaks point, Councilor Wright asked if there was a possibility to assemble smaller lots into a larger one and how that would affect the reported maximum of 47

units. Ms. Shelton said she would have to look at the lots individually, because she would have to calculate the acreage and divide by the density. She said that Cheney had come before them with a proposal to combine 2 or 3 residential lots into one mixed use one. Along 108 the ordinance states that multi-family structures must have commercial space on the first level. Elm Street is currently zoned M-2, so this change would have no effect. Councilor Carmichael asked if the ordinance did not pass, would it mean the Deckers could not build the condos. Ms. Shelton said they could not because currently the property is zoned strictly commercial which makes no sense for the area. The former gas station on Spring Street where Mr. Chinburg is proposing retail space and a restaurant had been zoned B-1 some time back, but the rest of the street is M-2 and has the same density as in the proposal.

Town Planner Hardy said that the town does have aesthetics and architectural standards on the books and these are reviewed as part of the site review process. These can be reviewed by the Planning Board for any properties on 108. In addition, when the Board has aesthetic concerns about a property fitting into the historic character of an area, the plan is sent to the Advisory Heritage Committee for its review and recommendations. The Committee now has written standards and guidelines. The Committee can make recommendations to the Planning Board, and the Board has the authority under site plan review to require changes in a plan.

Rose-Anne Kwaks said that Ms. Shelton had stated that Marcel's property had been grandfathered in as B-1 for his garage to remain after the zoning was changed. With the surrounding area still residential, she asked why this property could not also be zoned residential and she felt the Planning Board should put their efforts into doing that. Ms. Hardy refuted her point that the Planning Board was forcing commercial development on the lot. Ms. Kwaks then wanted to know where the lots were that Mr. Cheney was proposing to assemble, the size of the lots and whether they were in the proposed M – 2 district. Ms. Hardy said Mr. Cheney proposed this 3 years ago, and the lots are currently B-1 where residences are not allowed. Public input was closed at 9:15.

Council discussion: Councilor Pickering asked how long it would take for the codification of ordinances to be complete. Town Administrator Fournier said the process would take about a year, and as changes were made, they would be added as part of the process. The planning and zoning ordinances had already been codified. Councilor Nazzaro said he didn't think they could wait a year to change any of the town's ordinances. Although he understood some of Ms. Kwaks concerns, there was a need to increase employment in the community. They knew from developers that the only way to bring viable businesses into town was to have commercial space on the first floor and residences above. He felt the zoning change would bring new jobs, help with the tax rate and expand the tax base and he supported the ordinance as written. Councilor Pike said he was still wondering about their ability to impact the size and density of units. He said that one of the variables that had been mentioned was that with more rentals and larger units with more bedrooms, there could be a shift in the economy from an increase in school enrollment. He said the break- even point was currently about 130 in Newmarket, and according to Mr. Mayberry, the school enrollment per unit was among the lowest in the state. He said if they were not careful with their housing stock and if they had a more attractive schooling situation, the break-even point could change. He referred to the comparison between 47 new units and 47 single family homes in the Mayberry report, but it seemed that they were already going to have 52 new single family homes in town. He was concerned about adding 47 new units, and if careful analysis was not done, the break-even point could change and they would not meet their objective.

Council Chairman Levy requested clarification of some of the inconsistencies he found in the February 20th packet. He said the chart on page 60 listed the number of new units as 80 and the number of existing units as 47, and the allowed unit by size was 109. He said he took the total acreage of 2.79, rounded to 20, and found the maximum potential was 120 units. Ms. Hardy said that the initial figure of 80 was simply from a duplication

error in counting and that was why the number of potential new units had been revised and corrected to 47. He said the chart went from 80 to 47 units and the potential new units from 109 to 73 under M-2 zoning and the existing units from 47 to 42. Ms. Shelton said there had been duplication on some of the lines. Council Chairman Levy said he was not averse to the zoning change in general, but personally thought it was a bit aggressive and would like to see some adjustments. He said if the numbers were correct, they were looking at doubling the number of multi-families in the area. His second point was he felt that some of Mr. Mayberry's figures were skewed up by the inclusion of Rivermoor and Bryant Rock in the multi-family group. He felt that the units to be built would not be on the water and wouldn't be as valuable. He said he would like to see commercial development with some limitation. He said he had asked Mr. Mayberry to analyze the zoning change and suggest any improvements to the ordinance, and one of his comments was that his scope of work would be reviewing the demographics and doing comparisons. The comments were from Town Administrator Fournier, rather than from Mr. Mayberry. Council Chairman Levy said he had spoken to Mr. Mayberry before the meeting about limiting the density and size of properties to help control impact to town and school services.

Councilor Nazzaro said he understood Council Chairman Levy's point about limiting size, but also understood Ms. Shelton's comments about unintended consequences of density restrictions. This could result in larger units with more bedrooms which would impact school enrollment. He said Council Chairman Levy had emphasized that the proposal would double the number of multi-family units in the area, but it would actually have an impact of less than 1% of the population of Newmarket, adding between 80 – 90 people versus 126 with single family housing. He said the break-even point was important, but in looking at table 3, multifamily structures would need to have between 2 to 2.5 units to generate enough tax revenue to meet the break-even point. He added that in the study, they did not see the additional tax value from the businesses on the first floor. Councilor Pike said they should take some caution to insure that the zoning would widen the tax base because even small changes to the population could affect school enrollment. Council Chairman Levy said again that he would only like to see some adjustments to the ordinance.

Councilor Wright asked Mr. Mayberry if the number of rentals in Newmarket was related to the town having public water and sewer and its proximity to UNH. Mr. Mayberry said this allowed the town to have a higher density. The percentage of home ownership had gradually increased since 1980 from about 49% to 54%, although some of that could be from multi-family condos. Councilor Wright stated that some people are averse to change, as had been shown when past proposals had been aired. He liked Mr. Mayberry's statement that the commercial units would add to the tax base of the property. Mr. Mayberry pointed out that some older rental properties had depreciated in the tax assessment system, but the condos had not depreciated as much. He said that if the person proposing a plan had to show a positive fiscal impact on rental housing units, it would be necessary to have the commercial component to break even in the long run. He added that limiting the number of bedrooms was possible. He said that the typical townhouse was between 1,200 to 1,400 square feet and had little impact on services, but added to the revenue side. Councilor Pike asked if the methodology differentiated between condos that were owner occupied or rented. Mr. Mayberry said all were taxed as condos.

Council Chairman Levy said one of the answers he had received in relation to the maximum number of persons who could live in a unit, was that Newmarket does not regulate the number of persons per unit. Durham regulates the maximum number of unrelated persons per unit, and he felt that this should be considered for Newmarket. He asked why the number of existing buildings had dropped. Ms. Shelton said the number had dropped because some buildings, such as the library or the medical building were simply not going to be demolished. They were shown in the original number of 80, but when they analyzed each parcel, they looked at the reality of demolishing certain buildings to build housing units. They looked at the feasibility of whether potential units that could be built there actually would be. Council Chairman Levy referred to the lot analysis,

and said some lot sizes had been rounded down. Ms. Shelton said that for buildings, parcel sizes could never be rounded up. He said it seemed that there was the possibility of combining lots which could add to the potential build out. Ms. Shelton said this could be positive because to have mixed use, there could be a significantly larger commercial building. He said he only wanted to point out that the report might not reflect the potential build out. Councilor Pickering expanded on what Councilor Nazzaro had said earlier about jobs and businesses. He wanted to know how many potential businesses the town could have on the Route 108 stretch. Ms. Hardy would have to look at the buildings.

Councilor Carmichael said he could support limiting the size of the units, and also wanted to know more about the commercial potential. Ms. Hardy asked if they wanted to know about retail, as they also would have to consider marketability. She said there were other requirements to consider, such as set-back, side-yard distance, suitability, access, existing ledge, etc. She pointed out that 47 units was the worst case scenario if they had a total rebuild, but that was not going to happen. Councilor Wright said they had to look at the future and what was proposed. He said that Mr. Cheney was willing to make a \$1.7M investment in the town with his Depot building, and he looked at the M-2 as expanding the downtown and increasing the tax revenue. Town Administrator Fournier pointed out some procedural issues. He said if the Council favored changes in unit size, he would recommend the ordinance be referred back to the Planning Board for study. He said there would be no action on the ordinance at the meeting unless 2/3s voted to suspend the rules. The ordinance would be on the table for the July business meeting, and action could be taken only if there was a vote to remove it from the table. If amendments were made during the current meeting, the ordinance would have to go through the public hearing process again. Council Chairman Levy said he felt they should have a full Council when voting, and Council Vice Chairman Bentley should be given the opportunity to weigh in.

Councilor Nazzaro said that if they were a for-profit business and had the Planning Board work on this for a year, and then worked with a consultant for 5 months, they would be put of business. Councilor Nazzaro made a motion to suspend the rules and vote on Ordinance 2012/2013-63 tonight. Councilor Wright seconded.

Discussion: Councilor Pike said his understanding was that it was better to change the Master Plan before changing the zoning, because someone not liking a zoning change could challenge it in court. He asked if changing the language in the Master Plan was a cumbersome process. Ms. Hardy said the Planning Board worked on one chapter a year because of budgetary and staffing constraints. She said the zoning change was consistent with the recently updated economic development chapter. The chapter on housing preferences had not been updated since 2001, but Mr. Mayberry used more current information, which she thought could be used to show that the Planning Board had made the proposal after some statistical analysis. She added that a complete update of the Master Plan would be very costly, and Merrimack had spent \$150,000 redoing their entire plan. Councilor Wright said the Master Plan was a guide, and Ms. Hardy added that it was a tool for the Planning Board to use. Councilor Pickering suggested that since they were in voting mode, they release Mr. Mayberry. It was pointed out that he was on the clock. Council Chairman Levy said that he wanted it known that Mr. Mayberry used numbers that had been given to him, and referred to a clause at the beginning of the report that said results could be determined by the data used. He wasn't saying that the numbers were good or bad, but he would not hang his hat on the report. He said he would vote against suspending the rules as Council Vice Chairman Bentley was not present.

Town Administrator Fournier polled the Council. Motion failed 3 – 3, with Councilors Wright, Pickering and Nazzaro in favor and Councilors Pike and Carmichael and Council Chairman Levy against.

The Council, by a vote to remove the ordinance from the table, can vote at the next meeting. Councilor Nazzaro stated he would be away on business for the next meeting, and Council Chairman Levy suggested he try to call in for the vote. Town Administrator Fournier said there would be no action on the item unless someone moved to remove it from the table. Council Chairman Levy asked if they could have answers to some of the questions asked before the next meeting. He asked for a legal opinion on the Master Plan question, and also a legal opinion on whether they had the authority to regulate the size of units. Ms. Hardy asked if by size he meant square footage, number of bedrooms or number of unrelated occupants. Town Administrator Fournier said the number of unrelated occupants was not a Planning Board issue, but was determined by the Council. This was not necessarily related to the other 2 limitations. Council Chairman Levy said that he wanted to know about limiting the square footage and unit size.

Councilor Wright asked if this would be for the entire M-2 zone, or just for the current proposed zoning change. This would affect the entire M-2 zone, and Mr. Mayberry had suggested that they might want to establish a housing code in town. Town Administrator Fournier pointed out that what the ordinance purported to do was increase the size of the M-2 zone, not change it, as this would affect existing building use. Council Chairman Levy assumed that any existing property not in compliance with an amendment to the zoning would be grandfathered. If a property was grandfathered, an owner would not be allowed to duplicate the use within the zone unless a variance was approved by the ZBA. Councilor Wright said that once they started limiting size, they were also limiting potential rents. He said the average rent in New Hampshire is \$990, while the average in Newmarket is \$1,040. He said if there was a business on the first floor and smaller rental units above, the rental income would be lower and the figures would not work. He said this would defeat the intention of the zoning change as they would not be able to get top dollar for rents. He added that 47% of the renters in town were paying between \$1,100 and \$1,200 a month. Councilor Nazzaro said they would wind up doing the opposite of what they were trying to do, and it would not be fiscally possible for a developer to make a profit, and they would be encouraging low rental property. He asked if Mr. Mayberry was being paid to attend the meeting, but he was using a credit from a previous project and there were no additional funds spent. Mr. Mayberry had stated earlier that condo units that were rented were taxed as condos. Town Administrator Fournier asked if there were any more questions for the Town Attorney. Councilor Carmichael suggested that they agree to move the ordinance ahead so that the full Council could be present.

Councilor Wright moved to continue the meeting beyond 10:00, and Councilor Pike seconded. Town Administrator Fournier polled the Council. Motion carried 5 – 1, with Councilor Nazzaro casting the dissenting vote.

Town Administrator Fournier said that any amendments to the ordinance would restart the public hearing process. The ordinance cannot be put on the next agenda without a vote to remove it from the table. If it is not amended it can be voted on. Council Chairman Levy added that he would also like to know how Newmarket compared to other communities with the 6 units per acre proposal. He asked that the Councilors receive answers to the questions before the next meeting. Councilor Nazzaro said he would try to participate in the meeting by phone.

CLOSING COMMENTS BY COUNCILORS:

Councilor Pickering referred to a request from Ernie Clark that the Post Office entrance be changed, even though it is not town-owned property. Town Administrator Fournier said he had spoken with Mr. Clark and would be looking into the possibility. Councilor Pickering thought that the Highway and Safety Commission might get involved.

Town Council Workshop
June 19, 2013

Councilor Nazzaro said he understood that some people still had questions, but people will always have questions, and questions tend to lead to more questions. He said there is a difference between due diligence and dragging heels, and he felt they were doing the latter rather than the former. Councilor Carmichael said he felt they had been doing a great job for the last year and a half and had accomplished a lot.

Councilor Pike moved to adjourn and Councilor Pickering seconded. Motion carried unanimously, and the meeting adjourned at 10:04 p.m.

Respectfully submitted,

Ellen Adlington, Recording Secretary



**Town of Newmarket, New Hampshire
Town Council Business Meeting
July 10, 2013 7:00 p.m.
Council Chambers**

4. Report of the 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

REPORT OF THE TOWN ADMINISTRATOR
July 10, 2013

NH LGC HealthTrust Return of Surplus: You have probably read in the newspapers that the NH Local Government Center HealthTrust is returning \$33.2 million to its members who participated in the program in 2010 and remain members now. This was part of the ruling made by the Bureau of Securities Regulations in 2012.

The Town of Newmarket is receiving funds from this return of surplus. The Town already budgeted in the FY2014 the return of \$31,435 as a contribution holiday for our coming health and dental costs. We were told of this return of surplus last fall. However, since that time, the HealthTrust Board of Directors decided to return a greater amount, so the Town will see an additional \$85,098 returned to the Town. I will work with the Finance Director on how to best handle this return of fund, and will advise the Council in the near future.

Personnel Policy Revisions: The Interim Finance Director, the Administrative Intern and I have been working on reviewing the personnel policy, making revisions where we see necessary. We have since sent the policy to the Town Attorney for review and for suggested changes to it. When that is finalized, we will bring it before the Town Council for final review and approval. We should have that completed in August.

WWTF Engineering Interviews: Councilors Bentley, Carmichael, Wright, Waste Water Superintendent Sean Greig and I met with the Waste Water Directors of Dover and Rochester to interview the two engineering firms for our Waste Water facility upgrades. We are currently reviewing references and should have a recommendation to the Council shortly. We will be interviewing the Well Engineering firms on July 9.

WWTF Grants: We are diligently working on securing additional sources of funding to lower the price of the Waste Water Treatment Facility Upgrades. We are currently meeting frequently with the USDA Department of Rural Development and NH Department of Environmental Services.

Codification Project: I wanted to provide the Council with the outline for the project of codifying the Town ordinances. This project should take about 9 – 12 month and the Town Clerk - Tax Collector, Administrative Assistant, Administrative Intern and I will be assisting with the project. Currently, MuniCode has assigned one of their staff attorneys to supervise this project.

We are currently in the initial organization stage. This stage involves a comprehensive review of all the materials submitted for the project and the arrangement of it into chapters. This stage also involves conversion of the material into a standard format for purposes of later editing, styling and numbering.

Once organization is complete, the Attorney will conduct a legal review of each code chapter. The product MuniCode will then provide to us a “legal manuscript” with recommendations. The recommendations will be suggestions that either (1) eliminate redundancies with or conform ordinance provisions to mandatory state statues or (2) reconcile conflicting ordinance provisions within the Code itself.

A few weeks after we provide you with the legal manuscript, we will hold a conference to discuss the specific recommendations made in the legal manuscript and to determine precisely what the contents of the Code will be, so that the project can smoothly proceed to the next stage of editing and proofreading. This will involve the town attorney, building official, police chief, fire chief planner and I.

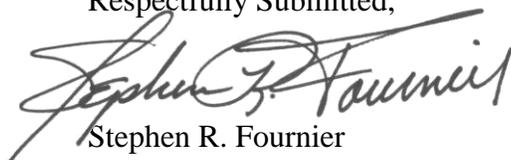
After the conference, MuniCode attorneys will make the necessary changes to the legal manuscript according to our feedback. They will then send the legal manuscript to their editing and proofreading staff that will perform the processes of styling, numbering, editing, and proofreading our new Code in accordance with your instructions.

After this, we will have final proofs sent to us with instructions regarding how to make any corrections and/or changes that we wish to have in your new Code. After that they will begin the final processes for printing and shipping our new Code.

This will be a long process, but a necessary one. After this is completed, we will have one bound document of all the Town’s laws and regulations. It will be much easier in the future to amend the ordinances as well as conduct research.

Part-Time Finance Director: We received some resumes for the part-time Finance Director position. We are reviewing them to determine if they have the necessary skills and training.

Respectfully Submitted,



Stephen R. Fournier
Town Administrator



**Town of Newmarket, New Hampshire
Town Council Business Meeting
July 10, 2013 7:00 p.m.
Council Chambers**

5. Old Business

- a. **Ordinances and Resolutions in the 2nd Reading**—Item(s) Council may act upon this evening
 - i. Resolution #2012/2013-57 Authorizing the Town Administrator to Enter Into an Agreement for Asphalt

TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council
Resolution #2012/2013-57

Authorizing the Town Administrator to Enter into an Agreement for Asphalt

WHEREAS, the Town of Newmarket solicited for written quotes for asphalt, and

WHEREAS, one qualified New Hampshire supplier submitted a proposal, and

WHEREAS, after evaluating the proposal the Public Works Director recommends the proposal submitted by Pike Industries for \$67 per Ton Base/Binder, and

WHEREAS, this purchase also complies with section 6.5 of the newly adopted procurement ordinance regarding cooperative purchases.

NOW, THEREFORE BE IT RESOLVED, that the Newmarket Town Council does approve the Town Administrator to enter into an agreement with Pike Industries for Asphalt.

First Reading: June 5, 2013
Second Reading: July 10, 2013
Approval: July 10, 2013

Approved: Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____
Donna Dugal, Newmarket Town Clerk

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



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

Memorandum

Date: May 1, 2013

To: Steve Fournier, Town Administrator

From: Matt Angell, Interim Finance Director *MA*

Re: Purchase of Asphalt through Pike Industries

Steve,

I recommend the Town utilize Pike Industries for its Asphalt needs.

Given that the procurement ordinance was put into place just recently and that costs of trucking asphalt from distant suppliers, the DPW Director decided (and I agree with) soliciting written quotes from the two of the closest providers, which are as follows:

Provider	Proposed price per ton
Pike Industries	67.00
Brox	Did not provide a written quote

The newly enacted procurement code also allows for purchases from a competitive bid process performed by other governments, which we verified that Pike Industries was subjected to a NH DOT competitive process and that they were awarded a contract.

As a result of verifying pricing two separate ways, I recommend Pike Industries for the Town's Asphalt needs.

Rick Malasky

From: Royal, James (Pike) [jroyal@pikeindustries.com]
Sent: Friday, April 19, 2013 11:01 AM
To: 'rmalasky@newmarketnh.gov'
Subject: Hot Mix Pricing
Attachments: 2013 NH HMA Prices.xlsx

Rick- Here are the prices you would pay at our NH Facilities. Please call if you have any questions. 603-312-6800
Thanks, Jim Royal

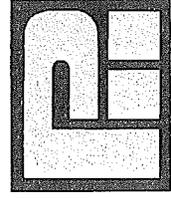
2013 New Hampshire Asphalt Posted Price & Contact Information

All prices are FOB at our facility and are subject to change without notice

Plant # & Location	Price Per Ton Base/Binder	Price Per Ton 1/2" & 3/4" Single Course	Price Per Ton 3/8" Surface	Pike Representative /Info	Contact Information
700 Northfield	\$67.00	\$70.00	\$73.00	Jim Royal Plant	603-485-1703 603-312-6800 Mobile 603-286-3537
720 W. Lebanon	\$66.00	\$69.00	\$72.00	Tom Custeau Plant	603-466-2772 603-630-1873 Mobile 603-298-0546
722 Portsmouth	\$66.00	\$69.00	\$72.00	Jim Royal Plant	603-485-1703 603-312-6800 Mobile 603-430-6284
708/803 Hooksett	\$64.00	\$67.00	\$70.00	Jim Royal Plant	603-485-1703 603-312-6800 Mobile 603-485-1713
805 Gorham	\$71.00	\$74.00	\$77.00	Tom Custeau Plant	603-466-2772 603-630-1873 Mobile 603-466-2772
811 Madison	\$71.00	\$74.00	\$77.00	Jim Royal Plant	603-485-1703 603-312-6800 Mobile 603-367-4522
810 Brentwood	\$67.00	\$70.00	\$73.00	Jim Royal Plant	603-485-1703 603-312-6800 Mobile 603-772-3043
816 Newport	\$67.00	\$70.00	\$73.00	Tom Custeau Plant	603-466-2772 603-630-1873 Mobile 603-863-1520
913 Farmington	\$67.00	\$70.00	\$73.00	Jim Royal Plant	603-485-1703 603-312-6800 Mobile 603-755-3553

Prices are effective April 8th, 2013

Specialty mixes such as porous pavement, virgin mixes and Gilsonite will be priced on a job by job basis.
Curb mix with fibers is an additional \$20.00/ton above the wearing course/top.
Please call for FOB pricing on all NHDOT, FAA and municipal projects.



These prices are based on current DOT indexes

www.Pikeindustries.com

From: "Rick Malasky" <rmalasky@newmarketnh.gov>
To: "Matt Angell" <mangell@newmarketnh.gov>
Subject: RE: Pike Industries
Date: 5/2/2013 12:49:08 PM

Matt,

The only other company close by to us is Brox Industries of Rochester, NH. I have requested pricing three times over the past two weeks. I have spoken to Ed Forcier. He keeps telling me that he is very busy and will get me something. As of today I have not received or heard back from him.

Thanks

Rick Malasky, Director
Department of Public Works
4 Young Lane
Newmarket, NH 03857
603-659-3093 X1801
FAX 603-659-4807

From: Matt Angell [mailto:mangell@newmarketnh.gov]
Sent: Thursday, May 02, 2013 8:53 AM
To: Rick Malasky (rmalasky@newmarketnh.gov)
Subject: Pike Industries

Rick,

I need that e-mail documenting the companies you called regarding asphalt. I have drafted the resolution and memo supporting the resolution, but I am missing some information that will be in your e-mail.

I need the companies with contact information.

Matt

STATE OF NEW HAMPSHIRE
BUREAU OF PURCHASE AND PROPERTY
25 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301

NOTICE OF CONTRACT

DATE: January 19, 2012

COMMODITY: Asphalt (Picked up &/or Delivered)
CONTRACT NUMBER: Multiple – See Contract Summary Excel Spreadsheet
NIGP CODE: 745-0000
CONTRACTOR: Multiple See Contract Summary Excel Spreadsheet
CONTRACT PERIOD: Present through December 31, 2014
ORDERING: Orders shall be placed directly to vendor

Pricing quoted are available to all political sub-division of the State of New Hampshire as covered under RSA 21-1:17. Political subdivisions, cities and towns to contact vendor directly.

PRODUCTS & PRICING: Please see attachment for list of offered products and prices. Price Adjustments are permitted under the specifications and within 15 days notification. Price decreases shall become effective immediately, as with the general trade. Volume Discounts may also be allowed.

BALANCE OF PRODUCT LINE:

The State may purchase other products from the vendor; these shall include only the purchase of other asphalt related products. **Please note: agencies will not be permitted to enter into rental agreements. Rental agreements shall be entirely separate agreements and shall be between the vendor and the agency.**

DELIVERY:

Delivery is within Three (3) working days from placement of order. Delivery shall be coordinated with the agency on the delivery date and shall be delivered within the agreed upon timeframe. For large quantity orders, the above required delivery timeframe may be extended to the agreed upon date between the requesting agency and the vendor. Delivery charge per mile may be charged when delivered product only (no other fees allowed for pick-up). Delivery fee must be noted on the published price list as attached.

INVOICING & PAYMENTS:

Invoices are to reflect the contract number and submitted to requested agency remit account on the basis of each order completed.

QUESTIONS:

Melanie Carraher, Purchasing Agent
Tel: 603 271-3146
Email: Melanie.Carraher@nh.gov

Please note: it is the agency's responsibility to locate a vendor to deliver to the requested location.

Aggregate	Location	Vendor	See Contract for more detail
Asphalt - Delivered/Picked up	Bethlehem	Ammonoosuc Asphalt Inc	8001116
Bituminous Concrete - Picked Up	Plaistow (only)	Benevento Asphalt	8000578
Asphalt - Delivered/Picked up	West Lebabon	Blaktop Inc	8001115
Asphalt - Delivered/Picked up	Dracut, MA	Brox Industries	8001114
Asphalt - Delivered/Picked up	Walpole	Cold Rivers Material	8001113
Asphalt - Delivered/Picked up	Keene	Cold Rivers Material	8001113
Asphalt - Delivered/Picked up	Londonderry	Continental Paving Inc	8001160
Asphalt - Delivered/Picked up	Northfield	Lane Construction Corporation	8001113
Asphalt - Delivered/Picked up	Winchester	Mitchell Sand & Gravel	8001171
Asphalt - Delivered/Picked up	Belmont	Pike Industries	8001117



**Town of Newmarket, New Hampshire
Town Council Business Meeting
July 10, 2013 7:00 p.m.
Council Chambers**

5. Old Business

b. Ordinances and Resolutions in the 2nd Reading—Item(s) Council may act upon this evening

- ii. Resolution #2012/2013-58 Authorizing the Town Administrator to Enter Into an Agreement for Granite Curb Stone

TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council
Resolution #2012/2013-58

Authorizing the Town Administrator to Enter into an Agreement for Granite Curb Stone

WHEREAS, the Town of Newmarket solicited for written quotes for granite curb stone, and

WHEREAS, two qualified New Hampshire suppliers submitted proposals, and

WHEREAS, after evaluating the proposal the Public Works Director recommends the proposal submitted by Tri State Curb for 1,500 LF at \$16.40 per LF, for a grand total of \$24,600, and

NOW, THEREFORE BE IT RESOLVED, that the Newmarket Town Council does approve the Town Administrator to enter into an agreement with Tri State Curb for granite curb stone, not to exceed Twenty-Four Thousand and six hundred dollars (\$24,600).

First Reading: June 5, 2013
Second Reading: July 10, 2013
Approval: July 10, 2013

Approved: Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____
Donna Dugal, Newmarket Town Clerk

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



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

Memorandum

Date: May 9, 2013

To: Steve Fournier, Town Administrator

From: Matt Angell, Interim Finance Director *MA*

Re: Granite Curb Stone

Steve,

I recommend the Town utilize Tri State Curb for its curb stone needs.

Given that the procurement ordinance was put into place just recently and there are two curb stone providers in New Hampshire, we have elected to obtain written quotes, as follows:

Provider	Lineal Feet	Unit Price	Total Price
Classic Curb, Inc	1,500	16.90	25,350.00
Tri State Curb	1,500	16.40	24,600.00

Going forward, this will run through our normal procurement process, which is a formal RFP.

CLASSIC CURB, INC.
24 Tonga Drive
Bow, New Hampshire 03304
Ph 603/228-1922
Fax 603/228-0416

Date: 5/7/13
To: Town of Newmarket
Email: rmalasky@newmarketnh.gov
From: Chris Marston
Attn: Rick Malasky

Quote: 2013 Sidewalk Project – Newmarket, NH

Furnish/Install aprx. 1,500 LF 5" Vertical Granite Curb @ \$16.90

Note:
Layout by others (radius points, offsets etc.)
Curb patch, whether asphalt or concrete, by others.
Prevailing wages do not apply.
Traffic control by others.

Accepted as Quoted: _____

Dated: _____



66 South Sugar Hill Road
 Weare, NH 03281
 PH: 603-529-4009
 FX: 603-529-4014
 tristatecurb@gsinet.net

PROPOSAL

4313

PROPOSAL
 SUBMITTED TO:

Town of Newmarket
186 Main Street
Newmarket NH 03857
Rick
603-659-3093
603-659-4807

ATTN:
 PHONE:
 FAX:

DATE: **04/23/2013**
 JOB NAME: **Misc. 2013**
 JOB LOCATION: **Newmarket, NH**
 PROJECT NUMBER:

Quantity	Unit	Description	Unit Price	Total Price
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1,500	LF	5" Straight Granite Curb	\$16.40	\$24,600.00
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We hereby propose to furnish and install - complete in accordance with above specifications, for the estimated sum of:

Dollars (\$ 24,600.00).

Project Notes: FIELD LAYOUT, TRAFFIC CONTROL AND CONCRETE TOE BY OTHERS.

Terms: Unless otherwise specified, payment is due in full net 30DY.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above proposal involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. Our workers are fully covered by Workman's Compensation Insurance.

Authorized
 Signature

Gina Merrill

Note: This proposal may be withdrawn by us if not accepted within 90 days.

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

To confirm order and schedule please sign and return.
Thank you

Date of Acceptance: _____

Signature _____



**Town of Newmarket, New Hampshire
Town Council Business Meeting
July 10, 2013 7:00 p.m.
Council Chambers**

5. Old Business

- a. **Ordinances and Resolutions in the 2nd Reading**—Item(s) Council may act upon this evening
- iii. Resolution #2012/2013-59 Transferring Funds from the Downtown TIF Capital Reserve Fund

TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council
Resolution #2012/2013-59

Resolution Relating to Transferring Funds
From the Downtown TIF Capital Reserve Fund

WHEREAS, the May 10, 2011 Town Meeting established the Downtown TIF Capital Reserve fund for the purpose of paying the Downtown TIF debt service, and

WHEREAS, the Town Council has been appointed as agent to expend from the Capital Reserve Fund for this purpose, and

WHEREAS, the Town must pay debt service interest of \$15,075.74 on July 15, 2013 and principal and interest totaling \$92,175.00 on January 15, 2014.

NOW, THEREFORE BE IT RESOLVED that the Newmarket Town Council does hereby approve a transfer of \$107,250.74 from the Downtown TIF Capital Reserve Fund to the General Fund for the purpose of paying the fiscal year 2014 Downtown TIF debt service.

First Reading: *June 5, 2013*
Second Reading: *July 10, 2013*
Approval: *July 10, 2013*

Approved: Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____
Donna Dugal, Newmarket Town Clerk

2002 SERIES E NON GUARANTEED - AFTER 2010 SERIES A REFUNDING

20 YEAR DEBT SCHEDULE FOR

TOWN OF NEWMARKET - Downtown TIF

DATE PREPARED: 03/07/13
 BONDS DATED: 01/15/03
 INTEREST START DATE: 206 days 12/19/02
 FIRST INTEREST PAYMENT: 07/15/03
 NET INTEREST COST: 4.5200%

DEBT YEAR	PERIOD ENDING	PRINCIPAL OUTSTANDING	PRINCIPAL	RATE	INTEREST	Less 2010A Refunding	INTEREST after refunding	TOTAL PAYMENT	FISCAL YEAR TOTAL PAYMENT
	07/15/03				\$37,895.42		\$37,895.42	\$37,895.42	
1	01/15/04	\$1,500,000.00	\$75,000.00	4.250%	33,112.50		33,112.50	108,112.50	\$146,007.92
	07/15/04				31,518.75		31,518.75	31,518.75	
2	01/15/05	1,425,000.00	75,000.00	4.250%	31,518.75		31,518.75	106,518.75	138,037.50
	07/15/05				29,925.00		29,925.00	29,925.00	
3	01/15/06	1,350,000.00	75,000.00	4.250%	29,925.00		29,925.00	104,925.00	134,850.00
	07/15/06				28,331.25		28,331.25	28,331.25	
4	01/15/07	1,275,000.00	75,000.00	4.250%	28,331.25		28,331.25	103,331.25	131,662.50
	07/15/07				26,737.50		26,737.50	26,737.50	
5	01/15/08	1,200,000.00	75,000.00	4.250%	26,737.50		26,737.50	101,737.50	128,475.00
	07/15/08				25,143.75		25,143.75	25,143.75	
6	01/15/09	1,125,000.00	75,000.00	4.250%	25,143.75		25,143.75	100,143.75	125,287.50
	07/15/09				23,550.00		23,550.00	23,550.00	
7	01/15/10	1,050,000.00	75,000.00	4.250%	23,550.00		23,550.00	98,550.00	122,100.00
	07/15/10				21,956.25		21,956.25	21,956.25	
8	01/15/11	975,000.00	75,000.00	4.250%	21,956.25		21,956.25	96,956.25	118,912.50
	07/15/11				20,362.50	(2,099.26)	18,263.24	18,263.24	
9	01/15/12	900,000.00	75,000.00	4.250%	20,362.50		20,362.50	95,362.50	113,625.74
	07/15/12				18,768.75	(2,099.26)	16,669.49	16,669.49	
10	01/15/13	825,000.00	75,000.00	4.250%	18,768.75		18,768.75	93,768.75	110,438.24
	07/15/13				17,175.00	(2,099.26)	15,075.74	15,075.74	
11	01/15/14	750,000.00	75,000.00	4.250%	17,175.00		17,175.00	92,175.00	107,250.74
	07/15/14				15,581.25	(2,332.32)	13,248.93	13,248.93	
12	01/15/15	675,000.00	75,000.00	4.300%	15,581.25		15,581.25	90,581.25	103,830.18
	07/15/15				13,968.75	(2,332.32)	11,636.43	11,636.43	
13	01/15/16	600,000.00	75,000.00	4.400%	13,968.75		13,968.75	88,968.75	100,605.18
	07/15/16				12,318.75	(2,332.32)	9,986.43	9,986.43	
14	01/15/17	525,000.00	75,000.00	4.500%	12,318.75		12,318.75	87,318.75	97,305.18
	07/15/17				10,631.25	(2,332.32)	8,298.93	8,298.93	
15	01/15/18	450,000.00	75,000.00	4.500%	10,631.25		10,631.25	85,631.25	93,930.18
	07/15/18				8,943.75	(2,856.92)	6,086.83	6,086.83	
16	01/15/19	375,000.00	75,000.00	4.600%	8,943.75		8,943.75	83,943.75	90,030.58
	07/15/19				7,218.75	(4,679.26)	2,539.49	2,539.49	
17	01/15/20	300,000.00	75,000.00	4.700%	7,218.75		7,218.75	82,218.75	84,758.24
	07/15/20				5,456.25	(4,748.06)	708.19	708.19	
18	01/15/21	225,000.00	75,000.00	4.800%	5,456.25	(516.00)	4,940.25	79,940.25	80,648.44
	07/15/21				3,656.25	(3,615.44)	40.81	40.81	
19	01/15/22	150,000.00	75,000.00	4.850%	3,656.25	(516.00)	3,140.25	78,140.25	78,181.06
	07/15/22				1,837.50		1,837.50	1,837.50	
20	01/15/23	75,000.00	75,000.00	4.900%	1,837.50		1,837.50	76,837.50	78,675.00
=====									
TOTALS			\$1,500,000.00		\$717,170.42	(\$32,558.74)	\$684,611.68	\$2,184,611.68	\$2,184,611.68



**Town of Newmarket, New Hampshire
Town Council Business Meeting
July 10, 2013 7:00 p.m.
Council Chambers**

5. Old Business

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

- iv. Resolution #2012/2013-60 Increase of Sewer Rates

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

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

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

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

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

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

First Reading Date: June 5, 2013

Second Reading Date: July 10, 2013

Final Action by Council: July 10, 2013

Approved: _____

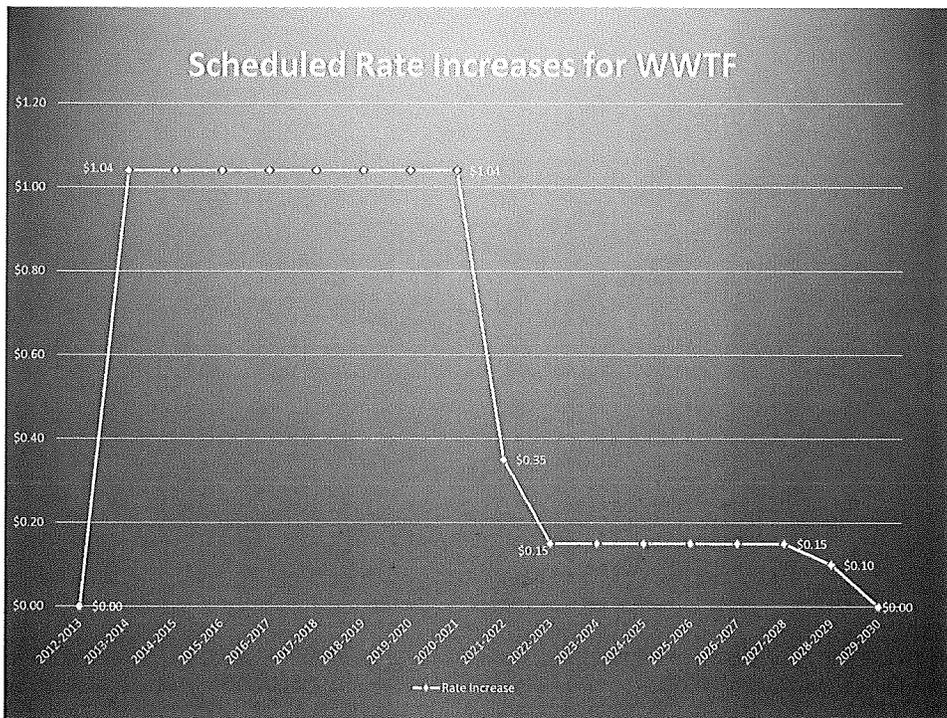
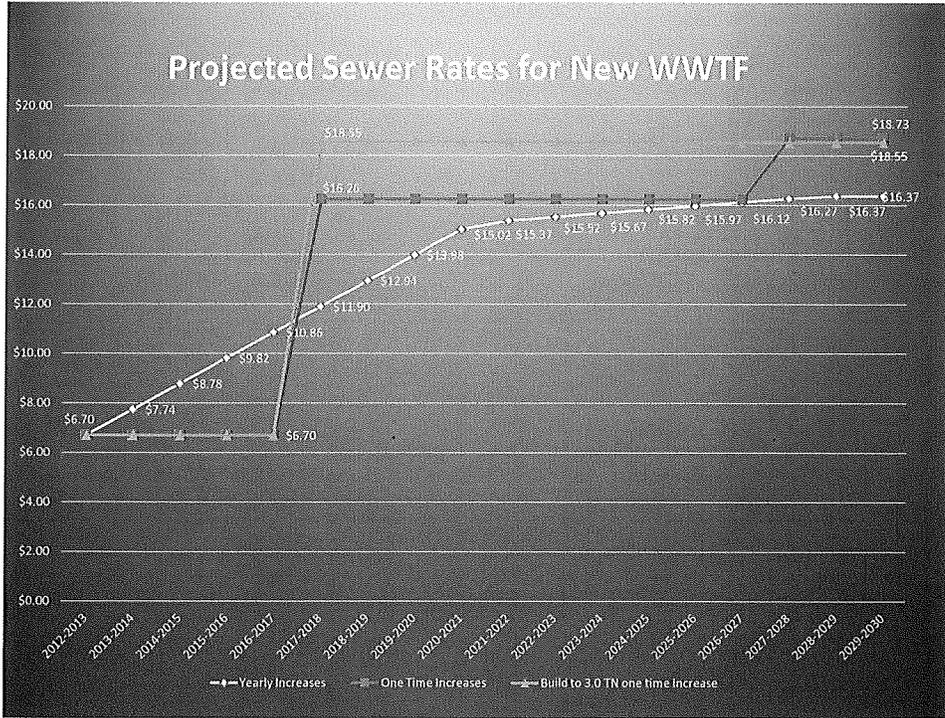
Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____

Donna Dugal, Town Clerk

Kathy Castle

From: Sean Greig [sgreig@newmarketnh.gov]
Sent: Tuesday, May 28, 2013 1:35 PM
To: 'Kathy Castle'
Subject: RE: resolution





**Town of Newmarket, New Hampshire
Town Council Business Meeting
July 10, 2013 7:00 p.m.
Council Chambers**

5. Old Business

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

- v. Resolution #2012/2013-63 Contract for the Lamprey River Macallen Dam Removal Feasibility and Impact Analysis

TOWN OF NEWMARKET, NEW HAMPSHIRE

By the Newmarket Town Council

Resolution # 2012/2013-63

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that

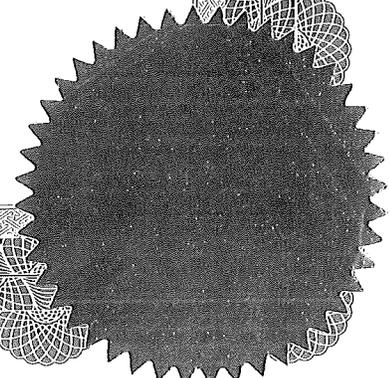
- 1) The Town Council hereby votes to accept the grant in the amount of \$40,000 from the Conservation Law Foundation.
- 2) The Newmarket Town Council does hereby approve the signing of a contract with Gomez and Sullivan in the amount of \$82,389 the funding to be from:

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

First Reading Date:	June 5, 2013
Second Reading Date:	July 10, 2013
Final Town Council Approval:	July 10, 2013

Approved: _____
Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____
Donna Dugal, Newmarket Town Clerk





GOMEZ AND SULLIVAN
Engineers, P.C.

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

July 1, 2013

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

Re: Lamprey River Macallen Dam Removal Feasibility and Impact Analysis

Dear Ms. Hardy:

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

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

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

Sincerely,

Mark Wamser

Mark Wamser, PE
Water Resource Engineer

Gary Lemay

Gary Lemay
Water Resource Engineer

cc: Tom Sullivan, Gomez and Sullivan



GOMEZ AND SULLIVAN
Engineers, P.C.

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

May 3, 2013

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

Re: Lamprey River Macallen Dam Removal Feasibility and Impact Analysis

Dear Ms. Hardy:

As discussed during our April 11, 2013 meeting and follow-up conference call on May 1 with the Town of Newmarket (Town) and other Project Partners¹, the Gomez and Sullivan Team has developed a revised scope, cost estimate and schedule to evaluate the feasibility of removing the Macallen Dam on the Lamprey River. Per your feedback, we modified the scope considerably relative to the original scope submitted in August 2012. Our revised scope, cost estimate and schedule were developed based on our understanding of the Project Partners' priorities and goals, new information available since our original scope was released (the Wright-Pierce Report and the NHDES response to the report) as well as our professional judgment.

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

Sincerely,

Mark Wamser, PE
Water Resource Engineer

Gary Lemay
Water Resource Engineer

cc: Tom Sullivan, Gomez and Sullivan
Eric Hutchins, NOAA
Debbie Loiselle, NHDES
Kevin Lucey, NHDES
Cheri Patterson, NHFGD

¹ Project Partners include National Oceanic and Atmospheric Administration (NOAA), New Hampshire Department of Environmental Services (NHDES), and New Hampshire Fish and Game Department (NHFGD).

1.0 Scope of Services

This section describes the tasks that will be conducted as part of the study. The original proposal followed the tasks exactly as outlined in the RFP, and specified each task as a Phase I task, Phase II task, or Excluded. This document only includes the tasks identified by the Project Partners as Phase I tasks. Phase II tasks will be addressed by the Project Partners following completion of Phase I.

It is important that town government officials understand that regardless of the dam removal feasibility study results, major modifications to the dam are necessary to meet NHDES Dam Safety requirements. Based on Wright-Pierce's February 6, 2013 report, the dam does not pass the required design flood (100-year flood) for the dam's high hazard classification. Table 2² of the Wright Pierce lists alternatives to increase spillway capacity sufficient to pass the 100-year flood. Generally, the alternatives fell into the following categories a) lowering the spillway crest elevation, b) increasing the length of the spillway crest and c) some combination of a) and b). Per Table 2, to pass the 100-year flood and leave the spillway crest elevation as its current elevation would require lengthening the spillway crest from the current 70 feet to 350 feet. Based on the amount of infrastructure abutting the dam, lengthening the spillway is not feasible. Per the Wright Pierce report, lowering the spillway crest between 8 to 10 feet appears to be a "potential" feasible alternative³. Also note that in a March 5, 2013 letter from NHDES Dam Safety to the town, NHDES concurred with the finding of the Wright Pierce report relative to the magnitude of the 100-year flood.

Relative to this feasibility study, typically the "status-quo" alternative is considered as a basis of comparison. However, in this case, the "status quo" alternative has been eliminated because the dam does not meet NHDES Dam Safety criteria due to inadequate spillway capacity. Thus, for purposes of this study, the following two alternatives will be evaluated:

- Dam Removal Scenario: Remove the spillway, fish ladder and legacy timber-crib dam; leave gate structure and abutments in place, but wall off the arched entrance into the former intake.
- Dam Modification Scenario: Based on the Wright-Pierce report, it appears that the only feasible alternative to increase spillway capacity is to lower the dam's spillway crest on the order of 8 to 10 feet.

Again, it is important to understand that:

² Table 2 of the report lists various alternatives and associated costs. For purpose of this study, we will rely on the Wright-Pierce cost estimates to represent the dam modification alternative.

³ Given our understanding of the dam layout and surrounding structures, we considered any alternative that called for lengthening the spillway as infeasible (see Wright Pierce Report).

- a) either dam removal or dam modification will result in lowering the spillway crest elevation, and hence the size of the current impoundment will be directly impacted; and
- b) the town has a certain “sunk” cost relative to modifying the dam to meet dam safety criteria.

We highly recommend that town government officials conduct a public outreach effort early-on to educate townspeople (particularly abutters to the impoundment) that modifications to the dam are necessary to bring the dam into compliance with NHDES Dam Safety regulations. In addition, it should be explained that these modifications will directly impact the water levels behind the dam. Based on our on-water site visits, both the dam modification and dam removal alternatives will likely result in a reduction in the width and depth of the existing impoundment, which will directly impact property owners and recreation users.

As described below and in our April 11 meeting, we request that the town purposely lower the impoundment at some point in fall 2013 to facilitate data collection. The drawdown will also provide an excellent opportunity to visually document changes within the impoundment via photographs.

Existing Data Collection and Review

Task 10: Collect and Review Available Data

The reports and items referenced in the RFP have already been reviewed by the Project Manager, with the exception of item 1.1.12 (UNH research for studying land use and modeling flooding associated with climate change on the Lamprey River) in the RFP. We have secured other reports at the NHDES and NHDOT including:

- Corps of Engineers Phase I Dam Safety Inspection Report.
- Plan and profile drawings of the fish ladder.
- Drawings of the current Rte. 108 superstructure. NHDOT has no information on the old stone abutments. NHDOT also has not performed formal scour calculations, but their screening analysis showed it to be low risk.
- Other miscellaneous documents secured during the NHDES office visit.
- The town of Newmarket provided us with Wright-Pierce’s hydraulic model (HEC-RAS) at the April 11th meeting.
- We recently received the Newmarket town tax maps of the parcels bordering the impoundment and 250 feet below the dam in GIS format. This also included a listing of name/mailling addresses for property owners. We have also received similar GIS tax maps from Durham around their portion of the impoundment.

The following additional data is in the process of being obtained:

- We will contact UNH Granit to obtain LiDAR data of the project area in electronic format for us in mapping and hydraulic modeling.
- We will contact NHFGD to obtain any records of species, numbers, and timing of migratory fish utilizing the existing ladder.
- We will contact Newmarket and NHDES to determine if there is any past documentation (pictures) in the project area during previous water level drawdowns at the dam.

As noted by Rick Malasky (Newmarket Department of Public Works) during the pre-bid site visit and at the April 11th meeting, there are no town water supply withdrawals from the impoundment and no sewer/water lines crossing the impoundment within Newmarket. Rick also noted that dry hydrants, currently present in some locations along the impoundment, are not relied upon and that residents bordering the river are fed by public water (no wells). Given this, we are not seeking drawings of this infrastructure within the confines of Newmarket. However, residential wells flanking the impoundment in Durham will require further investigation as noted below.

Task 20: Technical Summary Memorandum

After reviewing the existing data, a technical summary memo will be prepared discussing major findings. The purpose of the memo is to notify Project Partners of any major issues discovered during the data research that could potentially result in modifying the approach or scope. The technical memo will include:

- aerial photographs;
- due diligence relative to the potential for contaminated sediments;
- estimated numbers (if available) of migratory fish using the ladder in the last decade;
- summary of available water quality data in the project area;
- summary of NHDOT information on the Route 108 Bridge;
- summary of dam inspection reports and findings;
- summary of any cultural resources completed at the time the memo is provided.

Deliverables will include an electronic (PDF) version of the technical memo.

Field Survey and Base Mapping

Task 30: Dam Structures and Topography Survey

We will complete a survey of the following, provided there are no safety-related issues.

- Plan and profile of the dam including abutments, gate openings, and spillway;
- Plan and profile of retaining walls on both river banks from the dam to the Rte. 108 Bridge;

- Plan of fish ladder (we obtained the plans of the ladder from the NHDES file search, we have assumed that these are as-built drawings);
- Plan of building foundations located in close proximity to the dam;
- Plan and profile of Rte. 108 Bridge opening;
- Plan and, if possible, profiles of the legacy dam;
- Planimetrics (overhead wires, etc.) in the vicinity of the dam or potential access routes;
- The LiDAR data will be used for the upland topographic survey;
- A few transects immediately below the dam, which are needed to simulate dam-out conditions in the hydraulic model.

Note that the survey will not include any underwater work, such as measuring the base of underwater foundation walls unless it can be readily obtained. Also, the survey will not include property lines; instead we will rely on the tax maps. We have assumed that existing floodplain boundaries for the 100-year flood (commonly called the “base flood”) will be obtained from FEMA and shown on the existing conditions plan map.

Task 40: River/Impoundment Bathymetric Survey

A detailed bathymetric survey is important to reasonably predict the river’s depth and width above the dam under the two alternatives. We reviewed the Wright-Pierce HEC-RAS hydraulic model, and while it appears most of bathymetry between the Route 108 Bridge and dam can be used, more accurate bed elevations are necessary to better understand the impoundment’s sub-surface structure and any hydraulic controls. In short, there were few transects located in the impoundment above the Route 108 Bridge. We already conducted a preliminary bathymetric survey of the impoundment; however, supplemental data collection is needed at particular locations of interest to fine-tune the bathymetric map. A follow-up survey will be conducted and additional longitudinal profiles and transects will be collected to develop a thorough bathymetric map. Surveys will be conducted using a boat-mounted echosounder ($\pm 1\%$ accuracy) to measure depths. A GIS and CAD version of the bathymetric map will be produced. This work will be conducted when the impoundment is full (at the spillway crest). This task includes time for data collection as well as post-processing (QA/QC and integrating with other datasets).

Task 50: Sediment Mapping Survey

Cursory sediment composition mapping was conducted as part of the preliminary site investigation in preparing our proposal, but no sediment thickness mapping was obtained. Given the extensive length and area of the dam’s impoundment, it would be exceedingly expensive to obtain sediment thickness measurements at pre-determined transects. To focus the sediment thickness mapping effort, we propose to conduct the sediment thickness mapping at areas that the hydraulic model identifies as experiencing high shear stresses. By focusing on the areas with high shear stresses, the mapping effort will be substantially less than a full mapping effort.

We propose conducting the sediment thickness mapping when the impoundment is lowered in the fall of 2013 and water depths are shallower, making the probing easier (better footing and less water having to penetrate through before hitting sediment). We propose to manually drive a steel rod to refusal along transects identified by the hydraulic model results to estimate sediment composition and thickness. For cost estimating purposes we have assumed up to a total of 10 transects of sediment thickness mapping will be obtained within the Piscassic and Lamprey Rivers. The sediment thickness will be measured every 10 feet across each transect. The transect endpoints will be located with GPS and permanent fixtures will be set to benchmark the left and right transect ends. A description of the probing will be provided in the feasibility report including: the type of material penetrated (based on feel), if the sediment was uniform throughout the vertical column, and other notes to qualitatively describe the sediment. Our proposed method will not provide an estimate of the impoundment's entire sediment volume.

In addition to the 10 transects, sediment probing will be conducted along three other transects while the impoundment is drawn down, including immediately upstream of the dam, in the vicinity of the legacy dam, and beneath the Rte. 108 Bridge. The purpose of these transects is to locate the depth to bedrock, which will be used later in the hydraulic model. In addition to the three other transects, sediment probing will be conducted beneath the Railroad Bridge crossing the Piscassic River.

Task 60: Download and Map National Wetlands Inventory Boundaries

This task involves downloading a GIS version of the National Wetlands Inventory (NWI) wetlands boundaries for the area around the Macallen Dam impoundment. The wetland boundary will be used as part of the existing conditions plan and base map.

Task 70: Existing Conditions Plan and Base Map

Two existing conditions plans will be developed. One plan will include the dam and impoundment. The second plan will extend from the Rte. 108 Bridge to approximately 250 feet below the dam. The existing conditions plan will be supplemented with the survey described above, bathymetric mapping results, upland topography from LiDAR, the 100-year floodplain, and the NWI wetland boundaries.

Task 80: Drawdown Photo-Documentation

As discussed with the Project Partners on April 11th, the reservoir will be drawn down in September or October 2013. This will provide an excellent opportunity to understand changes in the impoundment and in the vicinity of the dam due to dam modification or removal. This task consists of the project manager and another staff member visiting the study area during the fall drawdown to photograph and videotape the site. Photos will be geo-referenced and field notes will be taken to record other important observations. Per our conference call on May 1, we discussed having a public meeting after Labor Day (September 3, 2013), which would provide an opportunity to notify the public of the impending fall drawdown. On the May 1 call, it was noted

that pending the magnitude of inflow, the drawdown may require a week to complete as water elevations must be lowered slowly to allow slow-moving aquatic organisms (such as mussels) ample time to move into wetted areas. After notifying the public, the drawdown could be initiated on Monday, September 9th. Gomez and Sullivan would require approximately 2-3 days to photo-document the partially dewatered impoundment, conduct the sediment probing (Task 50), conduct the infrastructure assessment (Task 150) and conduct the site visit associated with cultural resources investigation (Task 130).

Sediment Evaluation

Task 90: Review Existing and Historical Information

Prior to conducting any sediment sampling, due diligence work will be conducted to identify potential historic and known current sources of contamination in the area that would inform the sediment sampling plan. We will search websites (NHDES One-Stop, EPA Superfund, Remediation Sites, Hazardous Waste Generators, NPDES outfalls, etc.) to determine what, if any spills, or sources of contamination may be present in the project area. A preliminary analysis of the 303(d) lists shows that PAHs and other chemical impairments are present immediately below the dam (see Table 1 for a list of impairments).

Table 1: Constituents on 303(d) List

NH DES Assessment Unit ID	Assessment Unit Name	Use Description	Impairment Name
NH EST 600030709-01-01	Lamprey River North	Aquatic Life	2-Methylnaphthalene, Acenaphthylene, Aluminum, Anthracene, Arsenic, Benzo(a)pyrene (PAHs), Benzo(a)pyrene (PAHs), Benzo[a]anthracene, Benzo[a]anthracene, Cadmium, Chlorophyll-a, Chrysene (C1-C4), Chrysene (C1-C4), Copper, DDD, DDE, DDT, Dibenz[a,h]anthracene, Dibenz[a,h]anthracene, Dissolved oxygen saturation, Fluoranthene, Fluoranthene, Fluorene, Lead, Mercury, Naphthalene, Nickel, Nitrogen (Total), Dissolved Oxygen, Phenanthrene, Pyrene, pH, trans-Nonachlor Polychlorinated biphenyls
NH EST 600030709-01-01	Lamprey River North	Fish Consumption	Chlorophyll-a, Nitrogen (Total)
NH EST 600030709-01-01	Lamprey River North	Primary Contact Recreation	Dioxin (including 2,3,7,8-TCDD), Polychlorinated biphenyls
NH EST 600030709-01-01	Lamprey River North	Shellfishing	Chlorophyll-a, Estuarine Bioassessments, Light Attenuation Coefficient, Nitrogen (Total)
NH EST 600030709-01-02	Lamprey River South	Aquatic Life	Polychlorinated biphenyls
NH EST 600030709-01-02	Lamprey River South	Fish Consumption	Chlorophyll-a, Nitrogen (Total)
NH EST 600030709-01-02	Lamprey River South	Primary Contact Recreation	Dioxin (including 2,3,7,8-TCDD), Polychlorinated biphenyls
NH EST 600030709-01-02	Lamprey River South	Shellfishing	Dissolved oxygen, Dissolved oxygen saturation, pH
NH IMP 60030708-03	Piscassic River	Aquatic Life	pH
NH IMP 60030709-03	Lamprey River - Macallen Dam Impoundment	Aquatic Life	Dissolved Oxygen, pH
NH RIV 60030708-07	Piscassic River, PWS, CLS-A	Aquatic Life	pH
NH RIV 60030709-09	Lamprey River	Aquatic Life	

Hydrology and Hydraulics

Task 100: Hydrologic Analysis

We already conducted a hydrologic analysis to develop annual and monthly flow duration curves representing flows at the dam (mean and median flows shown in Table 2). Since no flow data are available at the dam, flows were estimated from a combination of the Lamprey River gaged flows (USGS Gage 01073500) and the Oyster River gaged flows (USGS Gage 0107300). The Oyster River flows were prorated by a ratio of the drainage area of the Oyster River gage to the drainage area of the Piscassic River at the confluence with the Lamprey River. Similarly the Lamprey River flows were prorated by a ratio of the drainage at the Lamprey River gage to the drainage area at the dam (excluding the Piscassic River drainage area). Both rivers’ estimated flows were then summed to estimate the total flow at the dam.

Table 2: Estimated Median and Mean Annual and Monthly Flows at Dam

Statistic	Annual	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Median	199	244	253	545	622	325	139	64	43	37	87	221	293
Average	340	334	363	732	817	431	239	113	87	83	164	320	399

We will evaluate three different 100-year flood flows as follows. First, the Federal Emergency Management Agency (FEMA) published the 100-year flood flow for this section of the river as part of its Flood Insurance Study (FIS). Second, as part of the February 2013 Wright Pierce study, a revised 100-year flood flow was developed. Finally, previous studies have been conducted to estimate the 100-year flood due to climate changes. We have reviewed a recent report titled “Assessing Flood Risk in the Lamprey River Watershed” (Wake, 2013, http://100yearfloods.org/resources/pdf/Lamprey_100YearFloods_FINALReport.pdf). This report includes estimates for future 100-year flood flows based on climate change and future development through the year 2100. Estimates included conventional development and low impact development. This study will use the year 2100 with conventional development to estimate the future 100-year flood flow, listed as 17,609 cfs in Table 6 of the final report.

For hydraulic modeling purposes the following flows will be simulated in the model:

- median September flow – reflecting low flow conditions;
- median April 1-June 30 flow to represent the river herring upstream passage season (to be confirmed with NHFGD);
- 100-year flood flows (FEMA’s 100-year flood flow, Wright-Pierce’s 100-year flood flow, climate change flood flow)

We have included time in this task to research the FEMA and Wright-Pierce 100-year flood flows, as well as develop an understanding on the impact of the dam on the Lamprey-Oyster “flow split” near Route 108.

Task 110: Hydraulic Analysis

A hydraulic model (HEC-RAS) will be developed; the basis for this model will that developed by Wright-Pierce. The hydraulic model will be a key element of this study, as it will help Project

Partners and townspeople to evaluate the changes in the wetted perimeter of the impoundment under the dam removal and dam modification alternatives. We will supplement the model's cross-sections with the bathymetry and dam survey data and add new cross-sections where appropriate. Additionally, it appears the existing model is not geo-referenced, so the inundation areas cannot be mapped currently. The new model will be geo-referenced, so inundation maps for various simulation flows can be generated.

The hydraulic model requires an upstream and downstream "boundary" condition which sets the water surface elevation at the uppermost and lowermost transects. In the case of the upstream boundary condition on the Lamprey River, we will assume a normal depth of water entering the plunge pool at the upstream extent of the impoundment. The model results will be used to compare the inundation area and water surface elevations (WSEs) throughout the impoundment. If our WSEs do not reasonably match the FEMA FIS results, adjustments to Mannings "n" values will be conducted to calibrate the model. Once the model is calibrated, the following alternatives will be evaluated for the five flow scenarios listed in Task 100:

- Dam Removal Alternative: Remove the spillway, fish ladder and legacy timber-crib dam; leave gate structure and abutments in place, but wall off the arched entrance into the former intake.
- Dam Modification Alternative: Lower the spillway crest 10 feet.

For each of these model runs, the following will be graphically displayed relative to existing conditions:

- For a given flow, the water surface profile along the impoundment will be shown.
- For a given flow, an orthophoto map will be developed to visually depict the change in river width and inundation area.

To simulate the dam removal alternative, a "new" transect representing the native river bed beneath the dam is needed in the hydraulic model. The transect selected to represent the channel bed elevation beneath the dam is critically important, as it could directly impact upstream water levels and velocities. No quantitative information is available on the height or extent of the bedrock at or immediately upstream of Macallen Dam. Historical records, however, reference this area between Macallen Dam and the Rt. 108 Bridge as the "First Falls", indicating there likely are extensive bedrock formations beneath or immediately upstream of the dam. To estimate the bedrock elevation and extent in the area of the dam, we will rely on the sediment probing transects conducted immediately behind the dam, in the area of the legacy dam, and beneath the Rte. 108 Bridge.

Deliverables will include longitudinal profiles and inundation maps (plan-view) of the study area for each of the five flow scenarios (low flow, spring seasonal flow, three 100-yr flow estimates) for each alternative outlined above.

Task 120: Water Supply Impacts

Municipal water and sewer is provided to all Newmarket residents along the impoundment. Additionally, as indicated at the pre-bid meeting Newmarket is no longer considering the river or river-bank filtration as a potential water supply source. Given this, we have assumed that no further assessment of the impacts on water supply withdrawals in Newmarket is needed. However, Durham residents may have private wells located in the general vicinity of the impoundment. For Durham residents bordering the impoundment, we will send them a well survey and request the following: whether they have a private well; approximate distance from the well to the river, type of well (dug well, bedrock well), and the well depth. The premise is that if the well depth is an appreciable distance below the streambed elevation, there should be no impact on water yield. We will use the results of this survey combined with the model-predicted drop in normal water surface elevation to predict whether water levels in any private well may be adversely impacted. The findings will be summarized in the feasibility report.

The town also has existing fire supply standpipes that withdraw from the impoundment (we observed two and up to three or four may exist), but the Town has indicated that they are not used or necessary at this time. We will contact the Town of Durham to determine if they have any fire supply pipes that withdraw water from the impoundment created by the dam.

Cultural Resources

Task 130: Preliminary Area of Potential Effect (APE) Delineation and New Hampshire Department of Historic Resources (NHDHR) Request for Project Review (RPR) Submittal

As part of the APE delineation, PAL's archaeologist and architectural/industrial historian will conduct a pedestrian survey of the project area to become familiar with the dam structure and adjacent properties where work may occur including dam removal, bank restoration, access routes, and staging areas. The architectural review will include notes and digital photographs of the appearance and dimensions of the dam structure and upstream and downstream river banks. The review will also verify the location of historic properties within the APE identified in the National Register-listed Newmarket Commercial and Industrial District, and identify any potentially significant properties that have not been documented and that appear to be at least 50 years of age, the minimum criteria for listing in the National Register. The archaeological site visit will include a preliminary examination of those areas identified as subject to direct ground-disturbing activities associated with the dam removal, and photographic documentation of the existing conditions of those locations including any evidence of previous ground disturbing activities. The architectural and archeological survey will occur during the impoundment drawdown scheduled to occur in September 2013.

Following the pedestrian survey, PAL will prepare and submit a RPR form for the Macallen Dam Removal Feasibility Project in compliance with NHDHR guidelines. The RPR will include information regarding the project location and proposed undertaking; state and federal agency involvement; the recommended APE for the project; results of the NHDHR site file review

including already-identified historic properties within or adjacent to the recommended APE; and the results of a site visit including photographic documentation of existing conditions and National Register-listed or potentially eligible historic properties. As part of this task, PAL will summarily note any information in the literature discussing migratory fish being present upstream before a dam was located at the "First Falls."

Task 140: Fish Passage

Absent the dam, the ability for fish to move upstream is a function of the bedrock geometry beneath the dam, which could serve as a barrier to some or all migratory species. As noted above, the sediment depth will be probed to refusal along the upstream face of the dam. This transect will represent the transect geometry beneath the dam. We will compare this transect with the transect surveyed just below the dam to determine the approximate vertical rise fish would need to negotiate. We will determine if there are any vertical or velocity barriers that could preclude certain migratory fish from moving into the Lamprey River. We will compare swimming speeds and/or jumping abilities of eel, river herring, lamprey, salmon and shad to determine whether fish may be able to negotiate the "First Falls" absent the dam. We will assume no modification or removal of the bedrock beneath the dam to facilitate passage.

Task 150: Evaluate Structural Impacts to the Veteran's Bridge and Other Infrastructure

Hoyle, Tanner & Associates, Inc. (HTA) will conduct work relative to the potential effects of dam removal on adjacent and upstream infrastructure features, namely:

- The Rte. 108 Bridge;
- Retaining Walls and Foundations. There are several retaining walls and building foundations within close proximity to the Route 108 Bridge. Access to the lower portions of adjacent buildings will be requested in addition to river side evaluations. Plans or other documentation are not expected to be available for most of these foundations. Therefore, limited assumptions will have to be made with regard to the dam removal on these features.

The effort will consist of a one-day inspection by a structural engineer of above-ground structures during the September 2013 drawdown. Upon completion of the site visit, HTA will provide a brief memo summarizing their findings along with photographs. The memo will include HTA's professional judgment of what potential structural issues could occur if the spillway crest is lowered 10 feet or removed entirely. The memo will not include alternatives to protect the bridge, building and retaining wall foundations. Assumptions include:

- HTA does not propose underwater inspections and it is anticipated all access will be by ladder, and inspections can be performed using waders or a small boat or kayak.
- No field measurements will be taken.

- Inspections of building foundations will be from the exterior only unless the town can assist with coordinating access to buildings within the study area.

Task 160: Recreational Usage

Based on our weekend preliminary work, the impoundment appears to be heavily used on summer weekends and there are numerous docks along the impoundment. We will rely on the hydraulic model to estimate the reduction of river width and depth under the dam modification and dam removal alternatives. This information will help inform the impact on current recreation. For example, based on our preliminary analysis, it appears that many of the docks and the existing boat ramp would be directly impacted if the spillway crest is removed or lowered. We will summarize the following in the feasibility report: a) anecdotally document current summer recreation use based on our previous on-water survey, b) evaluate the potential impact on recreation due to dam modification and dam removal; and c) identify potential new recreational opportunities due to dam modification and dam removal. Note that the recreation “assessment” will not be quantitative; it will be based on field observation, anecdotal information and hydraulic modeling results (changes in river width and depth above the dam).

Task 170: Social Issues

This task entails identifying what social issues may arise as part of the dam modification and dam removal process. These may include items such as property value impacts, socio-economic or political issues. This task does not include assessing the costs or impacts of these issues. Gomez and Sullivan will simply make the Town and Project Partners aware of them.

Dam Modification and Dam Removal Alternatives and Impact Analysis

Task 180: Develop Cost Estimate for Dam Removal

An order of magnitude cost estimate will be developed for the dam removal alternative. The cost estimate will not include detailed quantity take-offs, but will include costs associated with: additional feasibility study work if deemed necessary, permitting, engineering, design, technical specifications and bid documents. The cost estimate will not include costs associated with structural stabilization measures that may be required if the spillway crest is lowered 10 feet or entirely removed. We have assumed that the cost of dam modification will be obtained from the Wright Pierce report.

Task 190: Visual Rendering

We will develop one photographic rendering with the dam removed (replaced with some type of bedrock) from the viewpoint of standing on the footbridge and looking upstream.

Outreach and Coordination Meetings

Task 200: Progress Report Meetings (6)

We will coordinate with Project Partners throughout the project and have budgeted for six progress report meetings in Newmarket. We have included time to prepare agendas, attend, and develop minutes. The Project Manager will attend all six progress report meetings, while the Project Director will attend three progress report meetings.

Task 210: Public Meetings (3)

Our public outreach plan consists of holding a public meeting at the onset of the project to describe the goals, approach, and tasks via a PowerPoint presentation. The presentation will be at a level understandable to the layperson, yet technical enough to convey the intent and end product of the feasibility study. We will solicit public input on our approach and listen to concerns or issues. It is important to convey the message that Project Partners and the consultant are open to communications and are available to answer questions throughout the study. It is critical to stress at this meeting that only a feasibility study is being conducted and that no decisions have been made relative to the dam's fate. The town has made it clear they are just seeking the facts, such that the town can make an informed decision. As noted at the beginning of the scope, it is also extremely important that the findings of the Wright Pierce report be conveyed to the Town Council, other government bodies in Newmarket as well as interested Newmarket residents.

Prior to the first public meeting, a contact list will be developed including names, addresses, and email addresses (if available) of all property owners abutting the project area, Project Partners, Newmarket's Conservation Commission, Public Works, Planning, Parks and Recreation, Historical Society, and others. Additionally, we will make a concerted effort to reach out to the town and residents of Durham, who abut the impoundment. We recommend the following protocol prior to each of the three public meetings:

- Send letters to all parties on the contact list notifying them of the meeting purpose, date, and location.
- Place a notice on the town's website and submit press releases in Seacoastonline and the Portsmouth Herald (we will develop the press release, but have assumed the town will submit it to newspaper outlets and pay for associated fees).

PowerPoint presentations will be prepared for each meeting, circulated in advance of the meeting to Project Partners, and updated as requested. Deliverables include: a) following the outreach protocols listed above, b) developing agendas, c) preparing PowerPoint Presentations, and d) attending the meetings.

Feasibility and Impact Analysis Report Preparation

Task 220: Draft Feasibility Report and Matrix Identifying Dam Removal Consequences

A draft feasibility report will be developed summarizing the findings and recommendations for the project. Electronic copies of the draft report will be sent to Project Partners for review and comment. This report will be written as a factual document and is not intended to sway the audience into seeking a particular alternative (dam modification, dam removal).

As part of the report, a matrix will be developed for the dam modification and dam removal alternatives. The matrix will identify the impact associated with each alternative (dam modification, dam removal) on ecological resources (water quality, fish passage, fish habitat, wetlands/wildlife), recreation, and infrastructure (wells, bridge scour, flooding, sediment). Note that relative to structural impacts, the feasibility report will reference the summary memo in Task 150.

Task 230: Final Feasibility Report

We will review the comments on the Draft Feasibility Report and incorporate changes, where appropriate, into a Final Feasibility Report. Six paper copies and up to 10 CDs of the final report will be developed. An electronic PDF version will also be generated for the town to post on its website.

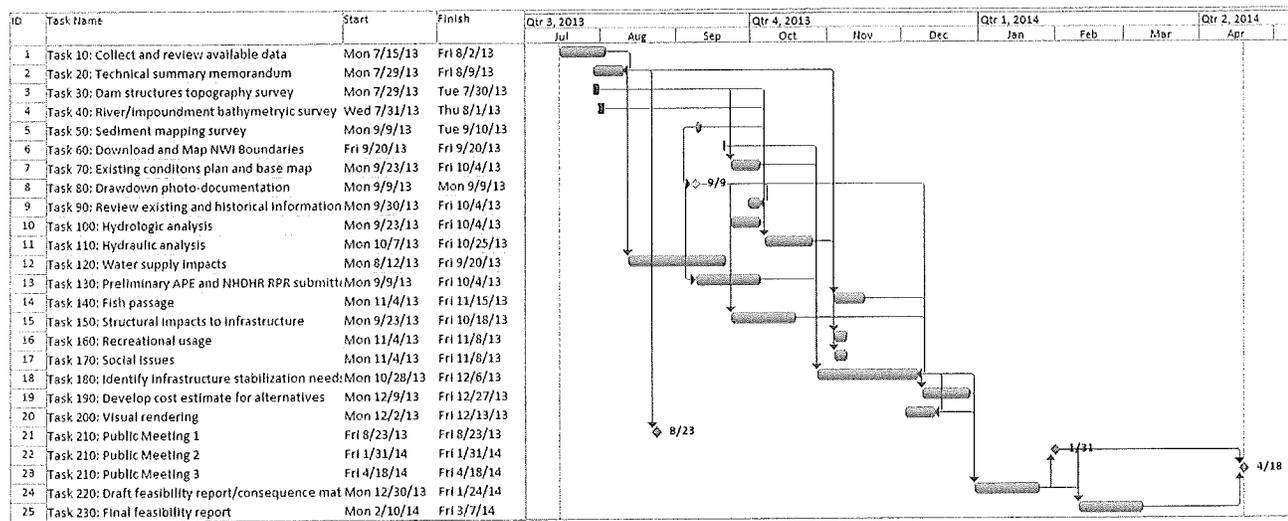
Project Management & Communication

Task 700: Project Management & Communication

Coordination with Project Partners will occur on a regular basis. In addition to communicating with Project Partners, we have budgeted for periodic updates (via email) to summarize the status of the project. Other administration costs include reviewing invoices, and managing the budget, scope and schedule.

2.0 Schedule

Based on our discussions with Project Partners, we have assumed a start date of July 15. Ideally, we would like to conduct field work (sediment thickness measurements, foundation/building inspections, and survey) when the impoundment is drawn down following Labor Day, with a preliminary drawdown begin date of 9/9/2013. Our proposed schedule is shown below.



3.0 Cost Estimate

As discussed in the April 11 meeting, the Town is expected to have a working budget of approximately \$80,000 to \$85,000. This is less than our original proposal estimated for a total cost. We have adjusted our scope and cost estimate based on our April 11 and May 1 discussions.

Task No.	Task Description	Engineer V	Engineer IV	Engineer III	Scientist III	Engineer II	Regulatory Specialist	Scientist I	Admin Asst	Payroll Related Fee	Direct Expenses	Subconsultants		Total Estimated Base Fee	
		\$161.00	\$147.00	\$135.00	\$106.00	\$95.00	\$94.00	\$63.00	\$63.00			PAL	Hoyt, Tanner & Associates		
10	Existing Data Collection and Review														\$850
	Collect and review available data		2			4		2		\$800	\$50				\$850
20	Technical summary memorandum		4			12				\$1,728	\$50				\$1,778
	Field Survey and Base Mapping														
30	Dam structures topography survey					28	24			\$4,916	\$200				\$5,116
40	River/impoundment bathymetric survey					28		20		\$3,920	\$1,000				\$4,920
50	Sediment mapping survey						12	18		\$2,262	\$200				\$2,462
60	Download and Map NWI Boundaries				2					\$212	\$0				\$212
70	Existing conditions plan and base map		2			4	18			\$2,178	\$50				\$2,228
80	Drawdown photo-documentation					8				\$760	\$100				\$860
	Sediment Evaluation														
90	Review existing and historical information				4			8		\$928	\$0				\$928
	Hydrology and Hydraulic Analysis														
100	Hydrologic analysis					2				\$190	\$0				\$190
110	Hydraulic analysis		4			40				\$4,388	\$100				\$4,488
120	Water supply impacts		1			2		8		\$841	\$100				\$941
	Cultural Resources														
130	Preliminary APE and NHDHR RPR submittal					1				\$95	\$0	\$6,092			\$6,187
	Other Issues of Importance														
140	Fish passage				2	4		4		\$844	\$0		\$5,060		\$844
150	Structural impacts to infrastructure					2				\$190	\$0				\$5,250
160	Recreational usage					2				\$190	\$0				\$190
170	Social issues					2				\$190	\$0				\$190
	Dam Deconstruction Alternatives and Impact Analysis														
180	Develop cost estimate for alternatives	8	4	32		16	2			\$7,004	\$50				\$7,954
190	Visual rendering						16			\$1,604	\$100				\$1,604
	Outreach and Coordination Meetings														
200	Progress report meetings (6)		20			48			4	\$7,752	\$400				\$8,152
210	Public meetings (3)		24			24			8	\$6,312	\$300				\$6,612
	Feasibility and Impact Analysis Report Preparation														
220	Draft feasibility report/consequence matrix	4	12	8	4	64		2	1	\$10,181	\$125				\$10,306
230	Final feasibility report	2	4	4	1	20		1	1	\$3,682	\$125				\$3,707
	Project Management & Communication														
700	Project management and communication		12			40			12	\$6,320	\$100				\$6,420
	Total Project Cost Estimate	14	89	44	13	351	70	63	26	\$68,187	\$3,050	\$6,092	\$5,060		\$82,389

4.0 Terms and Conditions and Hourly Rate Sheet

Gomez and Sullivan Engineers, P.C. proposes to undertake the proposed services on the basis of hourly billing rates plus direct costs, for tasks authorized by the Town of Newmarket. Hourly billing rates include actual direct salary payments to all personnel for the time directly engaged on the project; plus payroll charges including vacation, sick leave and holiday pay, unemployment and payroll taxes, social security contributions, workman's compensation insurance, retirement benefits, medical insurance, group insurance benefits, general overhead and profit. The hourly billing rates are included on the following page.

Direct costs include costs which are directly applicable to the work, such as transportation and subsistence expense on travel in the interest of work, long distance telephone, reproductions, topographic maps, special insurance, model and laboratory testing, aerial and ground surveying, subsurface exploration, and subcontractors billed through Gomez and Sullivan. Direct costs will be assessed a 10% service charge when handled by Gomez and Sullivan.

Invoices will be submitted to the Town of Newmarket monthly. Payment will be due within thirty days of the invoice date. Payments not received within thirty days will be subject to an interest charge of 1.5 percent per month.

It should be noted that estimates for fieldwork assume that scientifically useful data can be collected in a safe and efficient manner. The estimate does not include any contingencies for factors beyond Gomez and Sullivan's control, such as unanticipated foul weather, high river flows, etc. Any costs that Gomez and Sullivan incurs because of unanticipated/uncontrollable conditions will be billed to the Town of Newmarket.

GOMEZ AND SULLIVAN ENGINEERS, P.C.
May 1, 2012 through June 30, 2014
Hourly Billing Rate Schedule

<u>Classification</u>	<u>Hourly Billing Rates⁽¹⁾</u>
Principal	\$185.00/hour
Senior Engineer (V)	\$161.00/hour
Engineer (IV)	\$147.00/hour
Engineer (III)	\$135.00/hour
Engineer (IIIB)	\$113.00/hour
Project Engineer (II)	\$95.00/hour
Junior Engineer (I)	\$89.00/hour
Senior Scientist (IV)	\$158.00/hour
Scientist (III)	\$106.00/hour
Scientist (II)	\$90.00/hour
Junior Scientist (I)*	\$63.00/hour
GIS/Program Manager	\$158.00/hour
Regulatory Specialist	\$94.00/hour
GIS Analyst (II)*	\$81.00/hour
GIS Analyst (I)*	\$63.00/hour
Licensing Coordinator	\$83.00/hour
Project Assistant*	\$73.00/hour
Administrative Assistant*	\$63.00/hour
Senior Technician (III)*	\$96.00/hour
Technician (II)*	\$75.00/hour
Junior Technician (I)*	\$55.00/hour
Field Technician*	\$47.00/hour
Word Processor/Secretarial*	\$56.00/hour

Notes:

- (1) Hourly Billing Rates include labor, general and administrative overhead and profit.
- (2) Overtime for non-exempt employees (classifications identified with an asterisk*) will be billed at 1.25 times rates listed. All other employees billed at listed rates for overtime.
- (3) Direct expenses, including Subconsultants, billed at Cost plus 10%.
- (4) These billing rates will remain in effect through June 30, 2014, at which time they may be adjusted to reflect changing business conditions.

Confidential: The information contained on this page is confidential and proprietary. It shall not be released or otherwise made available to any third party without the express written consent of Gomez and Sullivan Engineers, P.C.



**Town of Newmarket, New Hampshire
Town Council Business Meeting
July 10, 2013 7:00 p.m.
Council Chambers**

5. Old Business

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

- vi. Resolution #2012/2013-64 Withdrawal of \$100,000 from the Municipal Transportation Fund for the Purpose of Road Maintenance

TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council
Resolution #2012/2013-64

**A Resolution Relating to the Withdrawal of \$100,000 from the Municipal
Transportation Fund for the Purpose of Road Maintenance**

WHEREAS, the Town of Newmarket allocated \$125,000 for paving in fiscal year 2014,
and

WHEREAS, the Municipal Transportation Fund (RS 261:153 VI (a)) was established to
fund improvements in the local or regional transportation system including roads,
bridges, bicycle and pedestrian facilities, parking and intermodal facilities, and public
transportation. Funds may be used for engineering, right-of-way acquisition, and
construction costs of transportation facilities, and for operating and capital costs of public
transportation only. Funds may be used as matching funds for state and federal funds
allocated for local or regional transportation improvements, and

WHEREAS, the Municipal Transportation Fund currently has a balance of \$292,706 as
of April 30, 2013, and

WHEREAS, the funds will be used to reclaim and pave the municipal parking lot at the
corner of Bay Road and Lamprey Street and approximately 1.5 mile portion of Ash
Swamp Road (Route 108 end).

NOW, THEREFORE BE IT RESOLVED, that the Newmarket Town Council does
approve the withdrawal not to exceed \$100,000 from the Municipal Transportation Fund
for the purpose of paving a municipal parking lot at the corner of Bay Road and Lamprey
Street and a portion of Ash Swamp Road.

First Reading Date:	June 5, 2013
Second Reading Date:	July 10, 2013
Final Town Council Approval:	July 10, 2013

Approved: _____
Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____
Donna Dugal, Newmarket Town Clerk

From: "Rick Malasky" <rmalasky@newmarketnh.gov>
To: "'Matt Angell'" <mangell@newmarketnh.gov>
Subject: FW: Municipal Parking Lot Bay Rd @ Lamprey St
Date: 5/29/2013 1:22:49 PM

From: Rick Malasky [<mailto:rmalasky@newmarketnh.gov>]
Sent: Monday, May 20, 2013 10:27 AM
To: 'Steve Fournier'
Subject: Municipal Parking Lot Bay Rd @ Lamprey St

Steve,

I have attached a proposal from Bell & Flynn to repair the municipal parking lot located on Bay Road. I have also attached a few photos showing the condition of the lot.

The estimate from Bell & Flynn is \$12,640. I would also need an additional \$2,000 for some granite curbing and signage. Bringing the total cost of this project to \$15,740. I would recommend using the funds in the Municipal Transportation Improvement Fund which has a balance of \$292,706.

As you know DPW started plowing this parking lot for the first time this winter and something needs to be done before next winter. The last storm of this season, the truck was literally plowing more asphalt around then snow!

<<...>> <<...>> <<...>> <<...>>

Rick Malasky, Director
Department of Public Works
4 Young Lane
Newmarket, NH 03857
603-659-3093 X1801
FAX 603-659-4807

Proposal

BELL & FLYNN, INC.

Bunker Hill Avenue
Stratham, New Hampshire 03885

Phone 778-8511 Fax 772-4396

Town of Newmarket
Department of Public Works
Attn: Rick Malasky, Director
4 Young's Lane
Newmarket, NH 03857

659-3093

April 23, 2013

rmalasky@newmarketnh.gov

Pavement Improvements
Bay Rd/Lamprey Ct Parking Lot
Newmarket, NH

Area Involved: Approx 700 SY

Work Involved:

- a) Furnish processed gravel/RAP as required
- b) Fine Grade and Compact
- c) Construct a 2 ½" Bituminous Concrete Pavement in one course by machine method
- d) Install Bituminous Concrete Berm
- e) Layout and Grade Control

Price:

a) FOB	\$10.00/CY	<u>Estimated</u> Quantity: 100 CY
DEL	\$15.00/CY	
b) 1. Cat 140 Grader Rental	\$130.00/HR	<u>Estimated</u> Quantity: 8 HRS
2. Cat CB334 Vibratory Compactor Rental	\$90.00/HR	<u>Estimated</u> Quantity: 4 HRS
3. Labor Rental	\$35.00/HR	<u>Estimated</u> Quantity: 4 HRS
c)	\$90.00/T	<u>Estimated</u> Quantity: 100 T
d)	\$4.00/LF	<u>Estimated</u> Quantity: 275 LF
e)	\$50.00/HR	No Charge

Notes:

- 1) Applicable permits as required to be secured by owner
- 2) Traffic Control as required to be performed by others
- 3) Removal of existing asphalt pavement to be performed by others
- 4) Fine Grading and Compaction of areas inaccessible to Caterpillar 140 Grader to be performed by others
- 5) Restoration, i.e. Loaming and Seeding, of perimeter areas following construction activities to be performed by others
- 6) Pavement Marking to be performed by others
- 7) Unit pricing is reflective of 2012 "Pavement Improvements" Agreement
- 8) Price of Bituminous Concrete Pavement is based upon April 15, 2013 NHDOT price of liquid asphalt. This price is subject to sudden fluctuation which may require price adjustment per NHDOT standard specifications.

We propose hereby to furnish material and labor-complete in accordance with above specifications Payment to be made as follows:
Net 30. A finance charge of 1-1/2% (18%APR) will be applied to the unpaid balance after 30 days. The purchaser agrees to pay all costs and expenses of collection including reasonable attorney fee.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance

Signature _____

Note: This proposal may be
withdrawn by us if not accepted within _____ days.

Acceptance of Proposal-The above prices, specifications
And conditions are satisfactory and are hereby accepted. You are authorized
To do work as specified. Payment will be made as outlined above.

Date of Acceptance: _____

Signature: _____







**Town of Newmarket, New Hampshire
Town Council Business Meeting
July 10, 2013 7:00 p.m.
Council Chambers**

5. Old Business

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

- vii. Resolution #2012/2013-65 Authorizing Lot Line Adjustment and Access Easements for Heron Point Sanctuary (Wajda Family Trust)

TOWN OF NEWMARKET, NEW HAMPSHIRE

By the Newmarket Town Council

Resolution #2012/2013-65

Resolution Authorizing a Lot Line Adjustment and Access Easements for the Heron Point Sanctuary:

WHEREAS improvements related to lots on Meadow Drive owned by the Wajda Family Trust encroach upon the Heron Point Sanctuary owned by the Town of Newmarket, and held in trust by the Conservation Commission; and

WHEREAS these encroachments pre-date the acquisition of the Heron Point Sanctuary which was acquired without a clearly defined legal access over Meadow Drive, a private road, and over a private driveway, both owned by the Wajda Family Trust; and

WHEREAS the Town and the Wajda Family Trust have reached an agreement to adjust the lot line in exchange for a defined Access Easement over Meadow Drive and land owned by the Wajda Family Trust; and

WHEREAS approval by the Newmarket Town Council and Planning Board, and the New Hampshire Department of Justice, Charitable Trusts Unit, are required as provided by law.

NOW THEREFORE BE IT RESOLVED, The Newmarket Town Council hereby resolves and ordains to authorize the Town Administrator to execute on behalf of the Town of Newmarket, a minor lot line revision of the Heron Point Sanctuary held in trust by the Town of Newmarket Conservation Commission, being Tax Map R-2, Lot 119, in exchange for a deeded access easement as shown on the plan prepared by Doucet Survey entitled Lot Line Revision Between the Wajda Family Real Estate Trust and the Town of Newmarket and as set forth in a Warranty Deed, Revocable License Deed, and Access Deed, on file in the Town Hall, subject to such terms and conditions as may be approved by the Planning Board and Conservation Commission, and subject to approval or issuance of a No Action letter by the Charitable Trusts Unit of the New Hampshire Department of Justice.

First Reading:	June 5, 2013
Second Reading:	July 10, 2013
Approval:	July 10, 2013

Approved: Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____
Donna Dugal, Newmarket Town Clerk

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS THAT THE TOWN OF NEWMARKET, a New Hampshire municipal corporation with a mailing address of 186 Main Street, Newmarket, New Hampshire, 03857

For consideration paid, grant to **KARL M. WAJDA AND CATHLEEN A. ZOCCHI, Trustees of the Wajda Family Real Estate Trust**, u/d/t dated _____ of 5 Scenic View Drive, Pelham, New Hampshire, 03076

With **Warranty Covenants**, the following described premises situate in Newmarket, Rockingham County, New Hampshire:

A certain parcel of land situate in Newmarket, Rockingham County, New Hampshire, beginning at a point on the westerly side of Meadow Drive at the northeast corner of the street thence running northwesterly along property of the Grantee a distance of 100 feet to a point; thence turning and running northwesterly N 35° 18' 00" E, a distance of 50 feet along land of the Grantor to a point; thence turning and running southeasterly a distance of 100 feet along land of the Grantor to a point; thence turning and running S 35° 18' 00" W a distance of 50 feet to a point at Meadow Drive at the point of beginning.

The purpose of this deed is to adjust a lot line as shown on a plan entitled "Lot Line Revision Between The Wajda Family Real Estate Trust and the Town of Newmarket" prepared by Doucet Survey, Inc. dated April 24, 2013, to be recorded in the Rockingham County Registry of Deeds.

Meaning and intending to convey a portion of the premises conveyed to the within Grantor in deed of Mark Klein and Leslie Parker dated December 30, 1996, recorded in Rockingham County Registry of Deeds, Book 3193, Page 1697.

This deed is binding upon the parties and their successors, heirs and assigns.

This is a non-contractual transfer pursuant to NH RSA 78-B:2.

Signed this _____ day of _____, 2013.

Town of Newmarket

By: _____

Its: _____

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

Personally appeared this the _____ day of _____, 2013, before me, the undersigned officer, personally appeared _____, who acknowledged himself to be the _____ of the Town of Newmarket, a municipality, and that he, as such _____, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the municipality by himself as _____.

Before me,

Notary Public/Justice of the Peace

My commission expires:

ACCESS EASEMENTS DEED

KNOW ALL PERSONS BY THESE PRESENTS THAT KARL M. WAJDA AND CATHLEEN A. ZOCCHI, Trustees of the Wajda Family Real Estate Trust, u/d/t dated _____ of 5 Scenic View Drive, Pelham, New Hampshire, 03076,

For consideration paid, grant to the **THE TOWN OF NEWMARKET**, a New Hampshire municipal corporation with a mailing address of 186 Main Street, Newmarket, New Hampshire, 03857, an Access Easement, over certain land owned by the Grantors and to allow use of Meadow Drive, as specified herein:

1. Access Easement.

A Thirty (30) foot-wide Access Easement over land owned by the Grantors, located in the Town of Newmarket, County of Rockingham, being that shown on shown on a plan entitled "Lot Line Revision Between The Wajda Family Real Estate Trust and the Town of Newmarket" prepared by Doucet Survey, Inc. dated April 24, 2013, to be recorded herewith in the Rockingham County Registry of Deeds. Said Access Easement shall be for the purpose of maintaining and improving an 18 foot wide driveway as shown on said Plan to provide access to the Heron Point Sanctuary, as shown on said Plan.

The Grantors expressly retain the right to maintain, repair or replace their utility service or other lines across said driveway and in said Access Easement Area. In the event that the Grantee's driveway damages the Grantors' utility service lines or other property, the Grantee shall be responsible for the costs to repair the same. In the event that Grantors damage the Grantee's driveway, the Grantees shall be responsible for the costs to repair the same.

2. Meadow Drive Access Easement.

A Meadow Drive Access Easement over Meadow Drive, a private road owned by the Grantors, located in the Town of Newmarket, County of Rockingham, being that

shown in part on a plan entitled "Lot Line Revision Between The Wajda Family Real Estate Trust and the Town of Newmarket" prepared by Doucet Survey, Inc. dated April 24, 2013, to be recorded herewith in the Rockingham County Registry of Deeds. Said Meadow Drive Access Easement shall be for the purpose of allowing public travel to the Grantee's property and Access easement, described above, by means of Meadow Drive. Public access shall be permitted during daylight hours (sunrise to sunset). Public access by means of this Meadow Drive Access Easement shall not interfere with residents of Meadow Drive.

Meaning and intending to grant an Access Easement and a Meadow Drive Access Easement over a portion of land, as described herein, conveyed to the within Grantors

[BILL * ADD REFERENCE TO WAJDA TITLE ***]**

This is a non-contractual transfer pursuant to NH RSA 78-B:2.

Signed this _____ day of _____, 2013.

Town of Newmarket

By: _____

Its: _____

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

Personally appeared this the _____ day of _____, 2013, before me, the undersigned officer, personally appeared _____, who acknowledged himself to be the _____ of the Town of Newmarket, a municipality, and that he, as such _____, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the municipality by himself as _____.

Before me,

Notary Public/Justice of the Peace

My commission expires:

REVOCABLE LICENSE

**KNOW ALL PERSONS BY THESE PRESENTS THAT THE TOWN OF
NEWMARKET**, a New Hampshire municipal corporation with a mailing address of 186
Main Street, Newmarket, New Hampshire, 03857

For consideration paid, grants a Revocable License to **KARL M. WAJDA AND
CATHLEEN A. ZOCCHI, Trustees of the Wajda Family Real Estate Trust**, u/d/t
dated _____ of 5 Scenic View Drive, Pelham, New Hampshire, 03076, as
follows:

A Revocable License for the purposes of maintaining, repairing or replacing in its present location a fence presently encroaches on property owned by the Town of Newmarket, known as the Heron Point Sanctuary, in the Town of Newmarket, Rockingham County, New Hampshire, conveyed to the Town by deed of Mark Klein and Leslie Parker dated December 30, 1996, recorded in Rockingham County Registry of Deeds, Book 3193, Page 1697, and as shown on a plan entitled "Lot Line Revision Between The Wajda Family Real Estate Trust and the Town of Newmarket" prepared by Doucet Survey, Inc. dated April 24, 2013, to be recorded herewith in the Rockingham County Registry of Deeds.

This Revocable License shall be for the sole purpose of permitting the Licensees, their successors and assigns, to maintain, repair or replace an existing fence in its present location as shown on said Plan. This Revocable License shall be revocable at any time by the Town, with or without cause.

Meaning and intending to grant a Revocable License to maintain, repair or replace a fence, as described herein, on a portion of the premises conveyed to the within Grantor in deed of Mark Klein and Leslie Parker dated December 30, 1996, recorded in Rockingham County Registry of Deeds, Book 3193, Page 1697.

This Revocable License is binding upon the parties and their successors, heirs and assigns, unless it is revoked as provided herein.

This is a non-contractual transfer pursuant to NH RSA 78-B:2.

Signed this _____ day of _____, 2013.

Town of Newmarket

By: _____

Its: _____

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

Personally appeared this the _____ day of _____, 2013, before me, the undersigned officer, personally appeared _____, who acknowledged himself to be the _____ of the Town of Newmarket, a municipality, and that he, as such _____, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the municipality by himself as _____.

Before me,

Notary Public/Justice of the Peace

My commission expires:



**Town of Newmarket, New Hampshire
Town Council Business Meeting
July 10, 2013 7:00 p.m.
Council Chambers**

5. Old Business

b. Ordinances and Resolutions in the 3rd Reading

i. None



**Town of Newmarket, New Hampshire
Town Council Business Meeting
July 10, 2013 7:00 p.m.
Council Chambers**

5. Old Business

c. Items Laid on the Table

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

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

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

The Town of Newmarket ordains that:

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

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

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

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

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

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

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

SECTION 1.04 ZONING MAPS.

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

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

SECTION 1.09 SPECIAL USE PERMITS.

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

SECTION 2.02 M-2 DISTRICT.

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

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

Make the following changes to the Table of Permitted Uses.

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

Changes to the Dimensions Table (See Attachment 3)

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

SECTION 5.08 DOWNTOWN COMMERCIAL OVERLAY DISTRICT.

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

SECTION 7.02 MIXED USE DEVELOPMENT.

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

This Ordinance shall become effective upon its passage.

Introduction Date: February 6, 2013

Public Hearing: February 20, 2013

Final Action by Council: March 6, 2013

Approved: _____
Philip J. Nazzaro, Chairman Newmarket Town Council

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



**Town of Newmarket, New Hampshire
Town Council Business Meeting
July 10, 2013 7:00 p.m.
Council Chambers**

6. New Business/Correspondence

a. Town Council to Consider Nominations, Appointments and Elections

None



**Town of Newmarket, New Hampshire
Town Council Business Meeting
July 10, 2013 7:00 p.m.
Council Chambers**

6. New Business/Correspondence

b. Ordinances/Resolutions in the 1st Reading – *These Item WILL NOT be acted on or discussed this evening. These items will be held over until the next regular business meeting*

- i. Resolution #2013/2014-01 Small Claims Unpaid Police Detail Fees \$200

TOWN OF NEWMARKET, NEW HAMPSHIRE

By the Newmarket Town Council

Resolution # 2013/2014 - 01

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

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

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

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

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

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

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

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

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

First Reading: July 10, 2013

Second Reading:

Approval:

Approved: Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____
Donna Dugal, Newmarket Town Clerk

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



INCORPORATED
DECEMBER 15, 1727
CHARTER JANUARY 1, 1991

April 10, 2013

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

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

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

Dear Mr. May,

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

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

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

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Matthew Angell". The signature is written in a cursive style.

Matthew Angell
Interim Finance Director

Enclosure



PAST DUE INVOICE

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

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

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

Contact: Sean
Desc: NEWMARKET COMMUNITY CENTER

DETAIL

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

Invoice Total: 200.00

Any questions call (603) 659-3617 *1323 or email csheehan@newmarketnh.gov

NEWMARKET POLICE DEPARTMENT

OUTSIDE/SPECIAL DETAIL INFORMATION

Detail Received by: Lt. Simes Date: 7-12-12 Time: 1600
 Date(s) of Detail: July 21, 2012 Times of Detail: 1100-1500
 Location of Detail: Newmarket Community Center
 Number of Officers Requested: 1 Type of Detail: (check one) Private Municipal
 Police Vehicle Needed Yes No (circle one) Amount of Hours Used N/A

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

Requesting Party or Authorizing Official: Justin May - ~~657-5776~~ 657-5776
* Charity Mc Ride For Joshua Pratte *

Billing Information:

Company/Agency/Person: Justin May
 Address: 635 Clay Street, Manchester, NH 03103
 Telephone Number: 657-5776 Fax: _____
 Contact Person (if different from Requesting Party): _____
 Supervisory Officer Assigning and Approving Detail: Simes
 Detail Page Sent Out: Date: 7-12-12 Time: 4:37 PM by Stafford
 Detail Posted: Date: 7-12-12 Time: 4:37 PM by Simes

OFFICERS ASSIGNED	FROM / TO	TO BE PAID
Name: <u>HARKIN ✓</u>	Actual Hrs. Worked: <u>1100-1400</u>	Total: <u>4 hr 15 min</u>
Name: _____	Actual Hrs. Worked: _____	Total: _____
Name: _____	Actual Hrs. Worked: _____	Total: _____
Name: _____	Actual Hrs. Worked: _____	Total: _____
Name: _____	Actual Hrs. Worked: _____	Total: _____

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

NEWMARKET POLICE DEPARTMENT

OVERTIME / COMP / OUTSIDE DETAIL REQUEST

EMPLOYEE: JERRY J. HARKIN

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

HOURS WORKED: 1100 (FROM) 1400 (TO)

REQUEST FOR:

PAYMENT COMPENSATING TIME OUTSIDE DETAIL PAYMENT

REASON FOR OVERTIME / COMPENSATING TIME:

HOLIDAY _____ (DAY)

SHIFT COVERAGE FOR _____ (HOURS)

TRAINING _____ (COURSE)

COURT _____ (CASE)

ALS / IEH HEARING _____ (CASE)

EXTENDED / EXTRA COVERAGE _____ (REASON)

SPECIAL ASSIGNMENT AUTHORIZED BY _____ (SUPERIOR OFFICER)

EMERGENCY / CALL-IN _____ (REASON)

STAFF MEETING CALLED BY _____ (SUPERIOR OFFICER)

OTHER MC MEMORIAL RIDE (EXPLAIN)

SIGNATURE OF EMPLOYEE: _____

DATE SUBMITTED: 21 JUL 12

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

DIVISION SUPERVISOR'S SIGNATURE: _____

CHIEF OF POLICE SIGNATURE: _____

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



INCORPORATED
DECEMBER 15, 1727
CHARTER JANUARY 1, 1991

January 8, 2013

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

Re: Past due invoice(s)

***** SECOND NOTICE *****

Dear Mr. May:

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

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

Thank you for a prompt response.

Very Truly Yours,

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

Matthew Angell
Acting Finance Director

Enclosure

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

STATEMENT



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

JUSTIN MAY
 HOLLYWOOD PROMOTIONS INTERNET
 635 CLAY STREET
 MANCHESTER, NH 03103

Customer No: 000324
 Date: 1/08/2013
 Customer Type:

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

Any questions call (603) 659-3617 *1323 or email csheehan@newmarketnh.gov

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



INCORPORATED
DECEMBER 15, 1727
CHARTER JANUARY 1, 1991

November 29, 2012

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

Re: Past due invoice(s)

Dear Mr. May:

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

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

Thank you for a prompt response.

Very Truly Yours,

Matthew Angell
Acting Finance Director

Enclosure



**Town of Newmarket, New Hampshire
Town Council Business Meeting
July 10, 2013 7:00 p.m.
Council Chambers**

6. New Business/Correspondence

b. Ordinances/Resolutions in the 1st Reading – *These Item WILL NOT be acted on or discussed this evening. These items will be held over until the next regular business meeting*

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

TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council
Resolution #2013/2014-02
Relating to the Repair and Maintenance
Of the George M. Stevens Tower Clock

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

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

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

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

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

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

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

Approved: Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____
Donna Dugal, Newmarket Town Clerk

D'Avanza Clock Repair

Tower Clock Repair and Restoration

June 7, 2013

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

RE: Town Clock

Dear Matt,

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

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

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

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

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

Respectfully,



Philip D'Avanza

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

--

Michael Ring
Owner
Advanced Wildlife Control
www.advancedwildlife.com
1 800 870 9288

Matt,

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

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

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

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

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

Thank you again.

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

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

Good Morning Matt,

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

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

Thank you Matt,

Steve

Steven Davies

Wildlife Sales Professional

Modern Pest Services

100 Pleasant Street, Brunswick, Me

Office: (207) 721-0167

Fax: (207) 721-3089

Cell: (207) 522-2187

www.ModernPest.com

stevendavies@modernpest.com

Fast, Effective Pest Solutions



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

Wildlife Service Agreement

Service Address	Billing Address
Name: <u>TOWN OF NEWMARKET</u>	Name: <u>TOWN OF NEWMARKET</u>
Street: <u>137 MAIN STREET</u>	Street: <u>186 MAIN STREET</u>
City/State/Zip: <u>NEWMARKET, NEW HAMPSHIRE 03857</u>	City/State/Zip: <u>NEWMARKET, NEW HAMPSHIRE 03857</u>
Phone: <u>603-659-3617</u>	Phone: <u>603-659-3617</u>
Email: <u>mangell@newmarketnh.gov</u>	Email: <u>mangell@newmarketnh.gov</u>
Acct # <u>201898</u>	Acct # <u>201898</u>
<input type="checkbox"/> HomeCare Service Recommended	

Services- See the additional comments section below for more details

WILDLIFE included as part of guarantee:

<input type="checkbox"/> Bats	<input type="checkbox"/> Grey Squirrels	<input type="checkbox"/> Red Squirrels	<input type="checkbox"/> Flying Squirrels
<input type="checkbox"/> Raccoons	<input type="checkbox"/> Skunks	<input type="checkbox"/> Groundhogs	<input checked="" type="checkbox"/> Other <u>BIRDS</u>

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

\$ 1775.00

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

Linear ft. to be trenched _____
\$ _____

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

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

\$ INCLUDED IN EXCLUSION _____

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

\$ _____

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

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

Service Guarantee

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

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

Additional Comments

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

TAP® Insulation is a trademark owned by Pest Control Insulation Systems Inc. No verbal contract work done, please be sure it's written above.

STEVEN DAVIES _____
Print Name (please print clearly) _____
Print Name (please print clearly)

_____/_____/_____
Modern Signature _____
Date Date

_____/_____/_____
Client Signature _____
Date Date

White: Home Office Canary: Client Pink: Administration



**Town of Newmarket, New Hampshire
Town Council Business Meeting
July 10, 2013 7:00 p.m.
Council Chambers**

6. New Business/Correspondence

b. Ordinances/Resolutions in the 1st Reading – *These Item WILL NOT be acted on or discussed this evening. These items will be held over until the next regular business meeting*

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

TOWN OF NEWMARKET, NEW HAMPSHIRE

By the Newmarket Town Council

Resolution #2013/2014-03

Establishing a Recreation Revolving Fund

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

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

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

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

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

First Reading: July 10, 2013

Second Reading:

Approval:

Approved: Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____

Donna Dugal, Newmarket Town Clerk

STEPHEN R. FOURNIER
TOWN ADMINISTRATOR

sfournier@newmarketnh.gov
www.newmarketnh.gov



TOWN HALL
186 MAIN STREET
NEWMARKET, NH 03857

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

FOUNDED DECEMBER 15, 1727
CHARTERED JANUARY 1, 1991

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

INTEROFFICE MEMORANDUM

TO: TOWN COUNCIL
FROM: STEVE FOURNIER, TOWN ADMINISTRATOR 
SUBJECT: CREATION OF A RECREATION REVOLVING FUND
DATE: 6/27/2013
CC: RECREATION DIRECTOR; FINANCE

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

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

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

Understanding the Recreation Revolving Fund

New Hampshire Town and City, April 2010

By Paul Sanderson

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

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

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

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

Q. Where is the money kept?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



**Town of Newmarket, New Hampshire
Town Council Business Meeting
July 10, 2013 7:00 p.m.
Council Chambers**

6. New Business/Correspondence

- b. Ordinances/Resolutions in the 1st Reading** – *These Item WILL NOT be acted on or discussed this evening. These items will be held over until the next regular business meeting*
- iv. Resolution #2013/2014-04 Authorizing the withdrawal of \$99,000 from the Public Works Capital Reserve Fund to Purchase a Trackless Sidewalk Plow/Trackless

**Town of Newmarket NH
Town Council
Resolution #2013/2014 – 4**

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

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

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

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

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

First Reading: July 10, 2013

Second Reading:

Final Action:

Approved: Gary Levy Chair, Town Council

True Copy Attest:

Donna Dugal, Town Clerk - Tax Collector

Rec'd 6/25/13
[Signature]

MEMORANDUM

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

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

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

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

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

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

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

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

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

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

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

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

H. P. FAIRFIELD, LLC

BUDGET # 133449



**HP
FAIRFIELD LLC**

"MUNICIPAL SPECIALISTS"

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

<http://www.hpfairfield.com>

FROM:

Bob Hackett

94 Sheep Davis Rd

Pembroke, NH 03275

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

DATE: May 6, 2013

CUSTOMER PHONE: 603-659-3093

CUSTOMER FAX: 603-659-4807

COMMENTS: 2013 Trackless All-wheel drive sidewalk tractor proposal

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

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

SIGNED Bob Hackett

ACKNOWLEDGED

QUOTE TOTAL

\$99,000.00

Serving New England for over 60 Years

H. P. FAIRFIELD, LLC

QUOTE # 133450



"MUNICIPAL SPECIALISTS"

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

<http://www.hpfairfield.com>

FROM:

Bob Hackett

94 Sheep Davis Rd

Pembroke, NH 03275

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

DATE: May 6, 2013

CUSTOMER PHONE: 603-659-3093

CUSTOMER FAX: 603-659-4807

COMMENTS: Used Trackless Recondition proposal

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

* WE TAKE YOUR MACHINE AND INSPECT IT FROM BUMPER TO BUMPER. WE EVALUATE THE MACHINE FOR RECONDITIONING. ANY COMPONENTS WHICH ARE DETERMINED TO HAVE 50% OR LESS USABLE LIFE THOSE COMPONENTS ARE REPLACED.
* THE UNIT IS SANDBLASTED, PRIMED, REPAINTED AND DECALED.
* THE UNIT IS THEN ROAD TESTED AND A ONE YEAR WARRANTY IS PLACED ON THE MACHINE.

ITEMS ADDRESSED:

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

SIGNED Bob Hackett

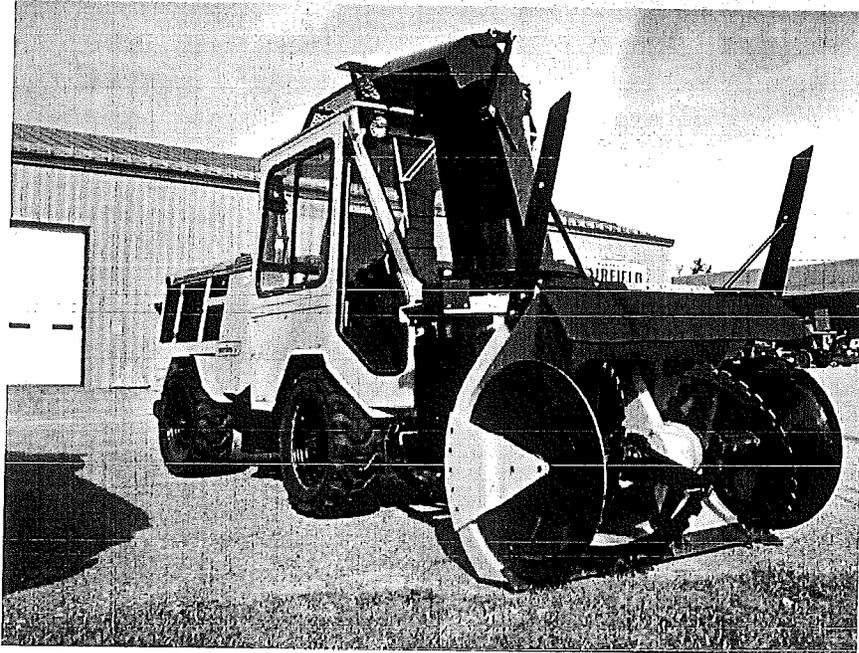
ACKNOWLEDGED

QUOTE TOTAL

\$70,000.00

Serving New England for over 60 Years

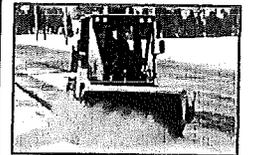
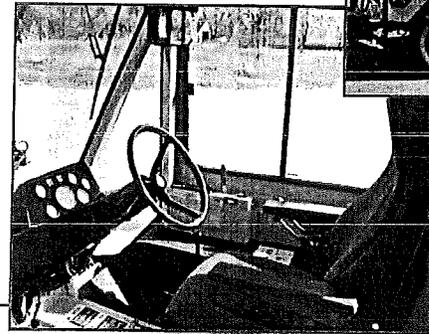
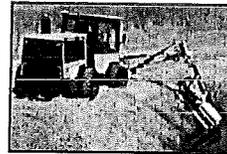
Trackless MT 5



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

A Trackless Transformation

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



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

www.hpfairfield.com
estore.hpfairfield.com



**HP
FAIRFIELD LLC**
MUNICIPAL SPECIALISTS



**Town of Newmarket, New Hampshire
Town Council Business Meeting
July 10, 2013 7:00 p.m.
Council Chambers**

6. New Business/Correspondence

- b. Ordinances/Resolutions in the 1st Reading** – *These Item WILL NOT be acted on or discussed this evening. These items will be held over until the next regular business meeting*

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

**Town of Newmarket NH
Town Council
Resolution #2013/2014 – 5**

Authorizing the Town Administrator to Enter into a Two-Year Agreement with Municipal Resources Inc. for Assessing Services

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

WHEREAS that agreement ended June 30, 2013, and

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

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

First Reading: July 10, 2013

Second Reading:

Final Action:

Approved: Gary Levy Chair, Town Council

True Copy Attest:

Donna Dugal, Town Clerk - Tax Collector

STEPHEN R. FOURNIER
TOWN ADMINISTRATOR

sfournier@newmarketnh.gov
www.newmarketnh.gov



TOWN HALL
186 MAIN STREET
NEWMARKET, NH 03857

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

FOUNDED DECEMBER 15, 1727
CHARTERED JANUARY 1, 1991

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

INTEROFFICE MEMORANDUM

TO: TOWN COUNCIL
FROM: STEVE FOURNIER, TOWN ADMINISTRATOR 
SUBJECT: CONTRACT EXTENSION WITH MRI FOR ASSESING SERVICES
DATE: 7/1/2013
CC:

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

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

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

PROFESSIONAL SERVICES AGREEMENT

I. PARTIES TO THE AGREEMENT

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

II. SCOPE OF WORK

MRI will provide the following Assessing services:

1. Annual Field Pickup Work:

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

2. Abatements

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

3. Appeals

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

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

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

4. Hourly Assessing Services:

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

Hourly assessing services shall include the following:

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

III. FEES AND CHARGES

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

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

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

IV. MRI PERSONNEL IN CHARGE

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

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

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

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

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

V. TERM

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

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

VI. SPECIAL CONDITIONS

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

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

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

ACCEPTED AND AGREED

THE TOWN OF NEWMARKET
BY ITS TOWN ADMINISTRATOR

MUNICIPAL RESOURCES, INC.

Steve Fournier, Town Administrator
Date: _____

Donald R. Jutton, President
Date: _____

ADDENDUM I

A. MUTUAL REPRESENTATIONS

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

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

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

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

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

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

B. NOTICE OF CHANGE OF PERSONNEL

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

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

C. ADMINISTRATION OF AGREEMENT MODIFICATIONS

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

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

D. INDEMNIFICATION

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

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

E. INSURANCE

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

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

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

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

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

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

F. NON-SOLICITATION

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

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

Initialed for Client: _____

Date: _____

Initialed for MRI: _____

Date: _____



**Town of Newmarket, New Hampshire
Town Council Business Meeting
July 10, 2013 7:00 p.m.
Council Chambers**

6. New Business/Correspondence

b. Ordinances/Resolutions in the 1st Reading – *These Item WILL NOT be acted on or discussed this evening. These items will be held over until the next regular business meeting*

- vi. Resolution #2013/2014 – 06 Relating to the withdrawal of \$10,000 from Sewer Impact Fees for engineering services to determine the needed increased capacity and cost of the Bay Road Force Main



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

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

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

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

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

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

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

**Town of Newmarket NH
Town Council
Resolution #2013/2014 – 6**

Relating to the withdrawal of \$10,000 from Sewer Impact Fees for engineering services to determine the needed increased capacity and cost of the Bay Road Force Main

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

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

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

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

First Reading: July 10, 2013

Second Reading:

Final Action:

Approved: Gary Levy Chair, Town Council

True Copy Attest:

Donna Dugal, Town Clerk - Tax Collector



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

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



**Town of Newmarket, New Hampshire
Town Council Business Meeting
July 10, 2013 7:00 p.m.
Council Chambers**

6. New Business/Correspondence

- b. Ordinances/Resolutions in the 1st Reading** – *These Item WILL NOT be acted on or discussed this evening. These items will be held over until the next regular business meeting*
- vii. Resolution #2013/2014 – 07 Authorizing the Town Administrator to enter into an 18 –Month agreement with ENH as the Town’s Electrical Provider

*****IT IS REQUESTED THAT THE RULES BE SUSPENDED TO ACT ON THIS EVENING*****

TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council

Resolution #2013/2014 – 07 Authorizing the Town Administrator to enter into an 18 –Month agreement with ENH as the Town’s Electrical Provider

WHEREAS, The Town of Newmarket uses between 70,000 and 170,000 kWh of electricity each month at a current rate of \$0.07207.

WHEREAS, the current electricity contract will expire in December 2013, and

WHEREAS, An RFP was issued and ENH was the low-cost bidder with a rate of \$0.07212 per kWh for an 18-month period beginning in December 2013.

NOW THEREFORE BE IT RESOLVED, that the Newmarket Town Council does hereby award an 18 month contract ENH to provide electricity at \$0.07212 per kWh, and to authorize the Town Administrator to execute any associated agreements.

First Reading: July 10, 2013

Second Reading:

Final Action:

Approved: Gary Levy Chair, Town Council

True Copy Attest: _____
Donna Dugal, Town Clerk - Tax Collector

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



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

Memorandum

Date: July 2, 2013
To: Steve Fournier, Town Administrator
From: Matt Angell, Interim Finance Director *MA*
Re: Electricity RFP

Steve,
Under the new procurement ordinance, the Town issued an RFP to select an electricity provider for a period beginning in December 2013. Under the RFP, we were looking for stability in electric rates during the approval process. However, requiring electricity vendors to wait through the entire two reading process of approving contracts will prove burdensome. As a result, the RFP assumed a "suspension of the rules," which would require a reading, discussion, and awarding the contract.

We have received electricity rate proposals from the following providers:

<u>Company</u>	<u>18-Month Rate for a kWh</u>
World Energy Solutions	\$ 0.07560
Integrus Energy Service	0.07310
ENH	0.07212

Although ENH is clearly the low-cost provider, they could not provide price stability during the Town Council approval process. They could only guarantee that "[p]ricing is only valid until close of business on June 28, 2013 and may need to be refreshed if the contract is executed at a later date." However, upon further communication with them, they will try their hardest to maintain the rate they quoted.

If we compare ENH to our current provider and based upon past history, it will cost the Town an additional \$75 per year. However, ENH is estimated to be \$26,000 per year less than PSNH.

Overall, I am pleased with the responses the Town received.

Town of Newmarket
Electricity Consumption Analysis

Account Number	Location	Service Reference	Meter Number	Oct-11	Nov-11	Dec-11	Jan-12	Feb-12	Mar-12	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	
56001041019	6, Main St.	17401000	G36030757	70.6	5.4	24	30	46	58	105	170	220	280	310	310	310	310	310	
56121531010	Water Dept., 101 Exeter Rd.	763301001	G36030757	1479.8	117.8	842.4	872.4	532.4	281	562.9	30	321	320	260	260	260	300	310	
5613851006	Olefin St, Lot 1	913711007	D39101488	23	0	18	18	20	18	21.2	12.8	18	19	19	19	19	21	21	0
56170941082	Dam Gates, Bay Rd.	768111005	D39101488	694.4	465.8	770	1160	1060	900	1170	650	450	480	160	160	160	520	520	0
56203290021	4 Packers Falls Rd.	707462002	847247219	348	113	122	118	70	49	58.8	33.4	43	162	182	182	182	182	182	182
56206931090	Storage Shed, Elm St.	244401001	D91277696	0	0	0	0	0	0	23	26.9	81.1	140	78	78	70	49	49	49
56300751077	Exeter Rd.	280711008	D91277696	62.7	42.3	51	53	54	50	65.1	43.9	62	53	51	55	51	55	55	55
56316551084	Railroad St.	362711005	E32278155	306.2	27.8	116	163	128	118	204.9	18.1	102	122	128	128	1168	1168	1168	1168
56353290001	Saltford St.	538760002	C68281762	1202.9	750.1	936	1035	981	601	1935	1020	1044	655	1026	1026	1188	1188	1188	1188
56403151087	Water St.	479211008	E29623322	527.2	420.8	439	362	330	268	300.3	211.7	312	401	440	440	555	555	555	555
56438215000	Public Works Department	055030002	G75387746	486.6	166.4	210	198	117	92	480.2	321.8	487	562	522	522	684	684	684	684
56440371062	Elm St.	516011008	G75387746	910.5	592.5	636	538	512	422	480.2	321.8	487	562	522	522	684	684	684	684
56572451037	Exeter Rd.	765511008	C67845142	515.5	334.5	369	337	291	233	280.3	174.7	283	294	283	283	414	414	414	414
56640741041	Nichols Ave.	097601002	C67845142	853.7	618.3	648	578	578	456	531	504	600	600	600	600	672	672	672	672
56653221008	Sewer Dept. - Bay Rd.	630062007	W76702006	2489.9	1544.1	2081	2133	1656	1521	1156.5	607.5	711	603	1386	1386	1809	1809	1809	1809
56653474050	140 Main St.	630562007	G190448574	1143.6	848.4	948	678	756	612	698	480	720	780	876	876	1044	1044	1044	1044
56653601098	200 B Main St.	623123004	C23123004	614.1	25.9	180	200	200	520	2122.1	117.9	1850	1520	1160	1160	1060	1060	1060	1060
56653601033	Sewall Walk, Wadsworth Falls Rd.	660776004	G15105821	1645.3	1827	10380	18200	9540	9740	20190.1	1039.9	12060	11620	6520	6520	10000	10000	10000	10000
56703010033	Becker Station, Forester Dr.	948776004	W62623824	1853.4	158.0	1152	1260	1128	458	1487.2	52.8	482	432	372	372	780	780	780	780
56825510078	Wadsworth Falls Rd.	290711009	D60743741	1456	142	840	880	880	800	800	407	360	360	500	500	670	670	670	670
5683751045	0 Cherry Ave.	714823009	D94321700	1119.2	86	558	557	445	386	630.2	53.5	364	407	425	425	518	518	518	518
5683751004	081 Exeter House, Main St.	6317511005	C67845142	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
56852401040	Wadsworth Falls Rd.	226870002	C31245106	729	81	386	252	103	0	12.9	5.1	72	0	35	35	35	35	35	35
56852401000	70 Exeter St.	682501000	E695030650	11488.3	1051.7	6280	6860	6860	6720	13568.9	1271.1	8440	9040	7080	7080	6460	6460	6460	6460
5682460005	Cedar St.	982460005	G17931594	2242.3	1507.7	1950	2260	2060	1750	1817.5	1042.5	1240	1300	1280	1280	1120	1120	1120	1120
56844631088	1 Terrace Drive	363501005	W015948494	11395.4	1008.0	5900	6240	5640	6040	15032.8	947.2	11760	10460	6060	6060	5640	5640	5640	5640
56830841041	Newmarket Public Library, 1 Elm St.	730401002	E35692530	4253.2	2060.8	3640	3600	3600	3300	5090	5190	6440	5400	4600	4600	4320	4320	4320	4320
56430741074	Newmarket Sewer Dept., Young Ln.	133011005	G33306669	22174.8	1245.4	17030	15400	12720	8500	18459.5	820.5	7600	6500	5300	5300	7080	7080	7080	7080
56624931010	Newmarket Town Hall, 112 S. Main St.	324401001	E3726392	10832.2	967.8	5440	5720	5360	5600	12648.3	1251.7	8440	7840	6200	6200	5040	5040	5040	5040
56816821071	Treatment Plant, Packers Falls Rd.	230590002	G17603699	3213.7	2588.3	3000	2800	2800	2200	2958.5	2241.5	3300	2400	2400	2400	3000	3000	3000	3000
56811026952	Pine Station/DPW Gar., 4 Young Ln.	735333000	E3726392	1432.3	1077.7	1180	1110	960	780	853.3	616.7	930	12240	11040	11040	12160	12160	12160	12160
56861874090	70 Main St.	610692000	E3726392	16019.6	2051.4	6610	8390	8040	7840	14025.7	2494.3	8710	6650	6500	6500	8510	8510	8510	8510
6001005-01-3-1	Street Lights			6450		7624	6860	5625	5539	5825	5825	6303	7347	8111					
8001545-01-7-6	Street Lights			31400		41200	42400	35600	28000	30400	30400	31200	32100	32100	27000	27000	30300	30300	30300
8001545-03-3-3	Street Lights			13760		12640	12320	11040	11040	12560	13200	15440	15200						
13200				11840		10640	13760	12640	12320	11040	11040	12560	13200	15440	15200				
13200				20260		17125.9	139408.4	139748.4	122406.4	106655	167847.6	70686.3	131853	141650	109154	108558	11454	11454	11454
0.07207				0.07207	0.07207	0.07207	0.07207	0.07207	0.07207	0.07207	0.07207	0.07207	0.07207	0.07207	0.07207	0.07207	0.07207	0.07207	0.07207
951.334				1482.3	12342.56	6301263	10047.24	10071.67	8821.829	7686.626	12032.36	5092.82	6569.853	10200.72	7656.728	7787.74	825.4898	825.4898	825.4898
1184.04				0.0897	0.0897	0.0897	0.0897	0.0897	0.0897	0.0897	0.0897	0.0897	0.0897	0.0897	0.0897	0.0897	0.0897	0.0897	0.0897
1820.015				15391.83	7943.016	12565.82	12535.43	10778.85	9566.854	15037.99	6338.767	11630.16	12706.01	9791.114	9682.603	1027.424	1027.424	1027.424	1027.424
-232.716				-357.715	-3010.28	-1561.15	-2457.76	-3463.76	-3150.02	-1080.33	-2855.83	-1245.85	-2026.33	-3407.29	-1824.39	-1868.06	-201.834	-201.834	-201.834
0.07212				0.07212	0.07212	0.07212	0.07212	0.07212	0.07212	0.07212	0.07212	0.07212	0.07212	0.07212	0.07212	0.07212	0.07212	0.07212	0.07212
951.868				1483.315	12351.12	6308.291	10054.21	10076.85	8827.95	7681.959	12060.78	5096.434	6516.45	10215.8	7872.186	7783.143	826.0225	826.0225	826.0225
0.66				1.0145	6.562865	4.427545	6.97047	6.88742	6.12032	5.33275	8.36228	5.533315	6.97985	7.9625	5.4577	5.4029	0.5727	0.5727	0.5727
-232.056				-356.888	-3010.71	-1556.72	-2450.82	-3456.76	-2151.9	-1874.89	-2947.24	-1242.31	-3316.73	-2490.21	-1918.83	-1889.66	-201.361	-201.361	-201.361

Total kWh usage
 Nextday Energy charged at 0.07207
 PSNH (Default Rate)
 Nextday v. PSNH Loss/(Savings)
 ENH
 Nextday v. ENH Loss/(Savings)
 ENH v. PSNH Loss/(Savings)

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



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

**Request for Proposal #14-0005
Electricity**

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

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

**BID #14-0005 – Electricity
Finance Office
Town of Newmarket
186 Main Street
Newmarket, NH 03857**

All proposals/bids must be received by June 28, 2013 at 4:00 pm EST

**Matthew Angell,
Interim Finance Director**

**Town of Newmarket
Request for Bid – Electricity
Number – 14-0005**

1. Introduction

The Town of Newmarket, New Hampshire is requesting pricing information and availability of the purchase Electricity to be used at various Town and School locations.

2. General Requirements

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

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

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

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

3. Project Requirements

At the present time, the Town has 35 locations and three street light power accounts that require Electricity. The total quantity estimated to be acquired for the 2013-2014 fiscal year is approximately 1,350,000 kWh per year. Quantities delivered to the different locations may differ slightly from those shown on the table supplied but the total pre-purchase amount will be as specified.

It is the intent of the Town to take the results of this bid and, after careful review and analysis of the prices and any possible options being offered, present the facts and obtain approval from the Town Council on the July 10th. Then go back to the selected vendor, confirm the kWh charge and sign an agreement for a specified period of time. The contract period for Electricity would be January 1, 2014 through June 30, 2015; however, additional contract terms will be considered. If additional contract terms are provided, the end date of each contract term should end the same as the Town's fiscal year, which is June 30.

Any deviations from the specifications must be so noted and any bid prices must be reflective of these deviations. The FOB Point is always to be the service address in Newmarket, New Hampshire unless otherwise stated by the bidder. An FOB point other than the Town of Newmarket must be so stipulated by the bidder.

Questions should be directed Matthew Angell, Interim Finance Director at (603) 659-3617 x1304 or MAngell@NewmarketNH.gov.

4. Information Available

Old Engine House, Main St.	56987351004	-
Wadleigh Falls Rd.	56825601040	1,638
Bennett Well, Wadleigh Falls Rd.	56994601086	107,020
70 Main St.	56961674090	12,420
Fire Station/DPW Garage, 4 Young Lane	56911026052	35,440
Newmarket Public Library, 1 Elm Street	56336041041	53,320
Treatment Plant, Packers Falls Road	56916621071	32,800
Newmarket Town Hall, 182 Main St.	56624931010	76,440
1 Terrace Drive	56244851069	86,720
Newmarket Sewer Dept., Young Lane	56430741074	127,920
Police Station, 70 Exeter Street	56174141069	84,280
Cedar St.	56176421014	19,570
0 Gerry Ave.	56963751045	5,569
Wadleigh Falls Rd.	56942551078	8,360
Booster Station, Folsom Dr.	56793801093	8,964
Water St.	56403151087	4,573
Public Works Department	56439215088	2,125
Elm Street	56483741062	6,760
Exeter Rd.	56572451037	3,787
Nichols Ave.	56646741041	7,248
Sewer Dept. - Bay Rd.	56653021006	17,658
140 Main St.	56653474080	9,780
209 S Main St.	56653601096	9,380
Sewall Well, Wadleigh Falls Rd	56683601033	128,100
Exeter Rd.	56307551077	643
Railroad St.	56316551084	1,613
Salmon St.	56352690051	12,834
Public Works Department	56291474039	1,489
Storage Shed, Elm St.	56296931090	477
Dam Gates, Bay Rd	56170941082	1,084
4 Packers Falls Rd.	56283290021	8,510
Granite St., Lot 1	56139551006	224
Water Dept., 101 Exeter Rd.	56121831010	5,960
S. Main St.	56067041079	961
Street Lights	8001085-01-3-1	88,569
Street Lights	8001545-01-7-6	403,200
Street Lights	8001545-03-3-3	155,200

Insurance

The successful vendor will be required to submit a certificate of insurance showing minimum liability limits of \$1,000,000, types of liability coverage, and workers compensation participation. Thirty day notice is required for cancellation of policy and Town of Newmarket shall be listed as additional insured.

Commitments

Provide a description of the vendor's overall capability, resources, and assurance that it can meet its commitment to successfully complete deliveries.

Compliance With Laws

The successful bidder warrants and promises that it will comply with all state and federal requirements for the transportation, storage, and handling of fuels provided under this bid.

PRICING

Electricity – based on an agreement for an estimated number periods.

Payment: This should address the purchase of an estimated number of Electricity (1,350,000 kWh per year) over a certain pre-determined period of time. Some of the features to be discussed are as follows:

- Contract period (should end on a June 30)
- Fixed Price per kWh \$ _____
List taxes and amount per kWh \$ _____
Total \$ _____
- Or Fixed Price over rack price on day of delivery \$ _____
- Method of payment – billed as used (preferred)

- What would be the Price effect if the total actual number of kWh came in either less than or greater than the quantity guaranteed?

- Identify any unusual features of your program that might make this unique or better than others.

- Please describe your price protection plan and the cost if the Town were to purchase this option.
_____ \$ _____

REFERENCES

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

1. _____
2. _____
3. _____

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

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

Contact information:

Official Entity Name		Warranty/Guarantee	
Address		FOB Information	
City, State, Zip		Availability	
E-mail/Address		State of Incorporation	
Telephone Number		Price holds for	
Fax Number		SSN or EIN	

Suspension and Debarment Certificate:

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

Signature

Date

Title

BID PROTESTS

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

BID, RFP, AND QUOTE TERMS AND CONDITIONS

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

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

ProviderPOWER
The Power to **HELP**

Provider Power Overview

June 2013

ElectricityMAINE
The Power to **HELP**

ENH[⚡]Power
The power to **HELP**

ElectricityMASS
The Power to **HELP**

Provider Power, LLC.
306 Rodman Road
Auburn, ME 04211
Phone: (866) 573-2674

<http://www.electricityme.com>
<http://www.enhpower.com>
<http://www.electricitymass.com>



June 28, 2013

Mr. Matthew Angell
Town of Newmarket
Interim Finance Director

Reference: RFP # 14-0005 Electricity

Dear Mr. Angell:

The reason for this letter is to express our interest in providing the Town of Newmarket with our company's summary of qualifications and contact information. IntegrYS Energy Services, Inc. proudly serves the Newmarket School District and is excited for the opportunity to serve the Town as well.

I've included in the signature block my phone number, fax and e-mail address. Our New England headquarters is located at 1750 Elm Street, Suite 800, Manchester NH 03104. The Manchester office will serve the Town of Newmarket.

Our comprehensive proposal consists of the following categories:

1. IntegrYS Energy Services Inc., (IES) financial, legal and technical qualifications.
2. IES Power Products available to the Town of Newmarket.
3. A description of Energy Manager Online and market reports.
4. Pricing Proposal

Pricing Summary:

- Start Month: Dec 2013
- Terms Quoted: 12, 18, 24, 30, 36, 42, 48
- Product Quoted: Fixed Energy, Full Requirements (all-in)*
- Pre-Approved Credit for (up to) a 48 month term

*The Fixed Energy, Full Requirements price provided includes ALL known power components to include Energy, Losses, Ancillaries, Renewable Portfolio Standard (RPS), Fixed Capacity Market (FCM), Reliability Must Run (RMR) and Locational Forward Reserve (LFR). Please take note there are NO hidden fees. The fixed pricing provided is based on market conditions when prepared and is subject to market changes.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie Cote", written over a horizontal line.

Jamie Cote
Director of Regional Sales - New England
IntegrYS Energy Services Inc
(p): (603) 263-6902
(f): (603) 263-6999
(e): jjcote@integrysenergy.com



Town of Newmarket

Reference: RFP # RFP # 14-0005 Electricity

Price Proposal:

Pricing Summary:

- Start Month: Dec 2013
- Terms Quoted: 12, 18, 24, 30, 36, 42, 48
- Product Quoted: Fixed Energy, Full Requirements (all-in)*
- Pre-Approved Credit for (up to) a 48 month term

*The Fixed Energy, Full Requirements price provided includes ALL known power components to include Energy, Losses, Ancillaries, Renewable Portfolio Standard (RPS), Fixed Capacity Market (FCM), Reliability Must Run (RMR) and Locational Forward Reserve (LFR). Please take note there are NO hidden fees. The fixed pricing provided is based on market conditions when prepared and is subject to market changes.

Start	End	Term	Fixed Energy, Full Requirements (all in) Price
Dec-13	Jun-14	6	\$ 0.0758
Dec-13	Dec-14	12	\$ 0.0696
Dec-13	Jun-15	18	\$ 0.0731
Dec-13	Dec-15	24	\$ 0.0718
Dec-13	Jun-16	30	\$ 0.0728
Dec-13	Dec-16	36	\$ 0.0723
Dec-13	Jun-17	42	\$ 0.0729
Dec-13	Dec-17	48	\$ 0.0720

WorldEnergy

WorldEnergy

Mike Talbott
Energy Consultant

t +1.860.768.1932
c +1.860.331.9959
f +1.860.741.0611

mtalbott@worldenergy.com
worldenergy.com

June 27, 2013

BID #14-0005 – Electricity
Finance Office
Town of Newmarket
186 Main Street
Newmarket, NH 03857

RE: REQUEST FOR PROPOSAL #14-0005 - ELECTRICITY

Dear Mr. Angell,

Please accept our initial response to your electricity request for proposal. World Energy Solutions is an energy management services company and is not an energy supplier. The pricing and terms of agreement are those offered through one of our supply partners – Constellation NewEnergy (CNE). CNE is owned by Constellation Energy Group Inc (NYSE: CEG) which is a subsidiary of Exelon Corp (NYSE: EXC). Exelon is one of the largest energy providers in the US. For financial information/statements on CEG or EXC, please visit their websites at www.constellation.com and www.exeloncorp.com.

Thank you for the opportunity to serve your energy needs.

Kindest Regards,



Mike Talbott
Energy Consultant – World Energy Solutions
mtalbott@worldenergy.com
860.768.1932 phone
860.741.0611 fax
860.331.9959 cell
NASDAQ: XWES

Enclosures: Pricing
Question Responses
References
Agreement

WorldEnergy

PRICING

**Fixed Price Per kWh – All Inclusive Electricity Supply
Starts and ends on the meter reading within the month**

CHOOSE ONE:

1. 12 Months: December 2013 – December 2014 = \$0.0734 per kWh
2. 18 Months: December 2013 – June 2015 = \$0.0756 per kWh*
*Term requested in RFP
3. 24 Months: December 2013 – December 2015 = \$0.0740 per kWh
4. 30 Months: December 2013 – June 2016 = \$0.0751 per kWh
5. 36 Months: December 2013 – December 2016 = \$0.0742 per kWh
6. 41 Months: December 2013 – May 2017 = \$0.0752 per kWh

Pricing does not include any state sales tax if applicable

Pricing does not include any local utility distribution charges by PSNH.

Credit is pre-approved

Pricing for 36 accounts

Account #80015450333 removed – listed as not active by PSNH

Estimated Annual Consumption = 1,395,599 kWh

See list of account on enclosed Constellation NewEnergy agreement.

Method of Payment – billed as used.

Yes, billed as used. Power supply charge will appear directly on the local utility invoice. Payment terms are set forth by the local utility (PSNH). There will not be a separate invoice from Constellation for supply. You pay PSNH for both supply and delivery and then PSNH will pay Constellation their portion.

What would be the Price effect if the total actual kWh came in either less or greater than the quantity guaranteed?

No change in price – 100% swing allowance.

Identify any unusual features of your program that might make this unique or better than others?

All pricing from Constellation when generated through World Energy has 20% green-certified renewable energy certificates (RECs) included at no extra charge. This means that 20% of your energy consumption is coming from 100% wind energy generated in the USA. Your agreement will stipulate this in great detail and you may promote this as a feature that the Town of Newmarket is buying 20% of the town's power comes from renewable resources.

Please describe your price protection plan and the cost if the Town were to purchase this option.

This is a fixed rate agreement. There is no additional purchase needed. You are agreeing to pay the rate offered for the term of length regardless of market conditions (up or down). The supplier is agreeing to provide power at that price for that term. Nothing more or less.

Bid #14-0005

Electricity



**Town of Newmarket, New Hampshire
Town Council Business Meeting
July 10, 2013 7:00 p.m.
Council Chambers**

6. New Business/Correspondence

b. Ordinances/Resolutions in the 1st Reading – *These Item WILL NOT be acted on or discussed this evening. These items will be held over until the next regular business meeting*

viii. Resolution #2013/2014-08 Relating to the Releasing of \$14,148 of Comcast Franchise Fee

TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council
Resolution #2013/2014-08

Resolution Relating to the Releasing of \$14,148 of Comcast Franchise Fee

WHEREAS, the Town of Newmarket desires to purchase mobile Cable Access equipment that will allow the Town/School to live broadcast meetings from anywhere in the Town.

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

WHEREAS, the Town obtained three quotes and it was determined Access A/V was the low cost provider, and

WHEREAS, the budget for the project is as follows:

Source of Funds:

Comcast Cable Franchise Fee - unspent remainder of FY 2012	\$ 1,533
Comcast Cable Franchise Fee - FY 2013 contribution	10,000
Comcast Cable Franchise Fee - FY 2014 contribution	<u>2,615</u>
Total	14,148

Use of Funds:

Prurchase of Equipment	<u>14,148</u>
Total	\$ 14,148

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

First Reading: July 10, 2013

Second Reading:

Final Action:

Approved: Gary Levy Chair, Town Council

True Copy Attest: _____
Donna Dugal, Town Clerk - Tax Collector



**Town of Newmarket, New Hampshire
Town Council Business Meeting
July 10, 2013 7:00 p.m.
Council Chambers**

6. New Business/Correspondence (continued)

c. Correspondence to the Town Council

d. Closing Comments by Town Councilors

7. Adjournment