



**Town of Newmarket, New Hampshire
Town Council Business Meeting
June 5, 2013
Council Chambers**

5:30 NON-PUBLIC – RSA 91-A:3 II

AGENDA: 7:00 p.m.

- 1. Pledge of Allegiance**
- 2. Public Forum**
- 3. Town Council to Consider Acceptance of Minutes**
 - a. May 15, 2013 WS**
 - b. May 8, 2013 Non-Public Minutes**
- 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 #2012/2013-56** Authorizing the Town Administrator to Enter Into an Amendment to the Agreement with the State of NH Regarding Exempting Social Security and Medicare Coverage from Election Workers
 - b. Ordinances and Resolutions in the 3rd Reading**
 - c. Items Laid on the Table**
 - i. Ordinance #2012/2013-02** Amendments to Sections 1.04 Zoning Map, Sections 1.09 Special Use Permits, Section 2.02 M-2 District, Section 5.08 Downtown Commercial Overlay District and Section 7.02 Mixed Use Development

6. New Business/Correspondence

a. Town Council to Consider Nominations, Appointments and Elections

- i. Strafford Regional Planning Commission – Alternate Planning Board Rep
Candidate: Janice Rosa
- ii. Zoning board of Adjustment – Alternate Position Term Expires March 2016
Candidate: Brett Johnson

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

- 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 #2012/2013-61 Approving the Codification of Town Ordinances
(TA Request to Suspend Rules)
- vi. Resolution #20012/2013-62 Year End Budget Transfer for FY 2013 *(TA Request to Suspend Rules)*
- vii. Resolution #2012/2013-63 Contract for the Lamprey River Macallen Dam Removal Feasibility and Impact Analysis
- viii. Resolution #2012/2013-64 Withdrawal of \$100,000 from the Municipal Transportation Fund for the Purpose of Road Maintenance
- ix. Resolution #2012/2013-65 Authorizing Lot Line Adjustment and Access Easements for Heron Point Sanctuary (Wajda Family Trust)

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.



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2. Public Forum



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3. Town Council to Consider Acceptance of Minutes

a. May 15, 2013 Workshop

b. May 8, 2013 Non-Public Minutes

DRAFT

**TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL WORKSHOP
MAY 15, 2013
TOWN COUNCIL CHAMBERS**

PRESENT:

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

Town Administrator Steve Fournier

PLEDGE OF ALLEGIANCE

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

PUBLIC FORUM

Council Chairman Levy opened the Public Forum at 7:01 p.m. As no one came forward to speak, he closed the Public Forum at 7:01 p.m.

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

May 1, 2013 Business meeting:

Council Vice Chairman Bentley moved to accept the May 1st, 2013 business meeting minutes as written. Councilor Carmichael seconded. Councilor Pickering asked that Spring Street be changed to South Street on page 3 of the minutes. Town Administrator Fournier polled the Council. Motion carried 5 – 0 – 2, with Councilors Nazzaro and Pike abstaining as they had not attended the meeting.

May 1, 2013 Non-Public Session:

Council Vice Chairman Bentley moved to accept the May 1st, 2013 non-public minutes. Councilor Carmichael seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion carried 5 – 0 – 2, with Councilors Nazzaro and Pike abstaining as they had not attended the meeting.

REVIEW OF DEPARTMENT REPORTS

Town Administrator Fournier said they were reviewing the tax exempt status for non-profits and other organizations. As the Assessor had questions compliance questions with some, he would be sending out the qualification form for updates. On April 25th, Town Administrator Fournier and Councilor Pickering, along with former Selectman Jerry Langdon of Epping walked the town lines to inspect the 3 markers separating Newmarket and Epping, one of which also separates the 2 towns from Lee. This is required every seven years by state law. He had been approached by Lee to perambulate borders as well. A homeowner had moved the stone marker which separated the 3 towns, as well as Rockingham County and Strafford County. The area has been

surveyed and the border is now marked by a surveyor's pin. The Town of Epping has sent the information to the Rockingham County Attorney's office. The town will receive an estimated \$27,000 from FEMA to offset about 75% of Newmarket's costs for the February 13, 2013 blizzard. This will help with the Public Works overages. FEMA funds cover costs for the date of the storm, but not for cleanup efforts after.

The Economic Development Committee had reviewed a two-phased proposal from consultant Peter Kwaas which help in completing and implementing Chapter 6 of the Master Plan on future land use. The first phase would be to prepare an economic and resource analysis of Newmarket including employment trends in the surrounding areas and growth opportunities for the town. He would evaluate the town's resources including business assistance, existing infrastructure, possible development sites and the current real estate market. This phase would cost \$3,500. Phase two would entail assistance to the Committee in implementing land use changes focusing on economic development while developing strategy and an action plan, including marketing. This phase would cost \$6,000. As the total cost of \$9,500 was within the Town Administrator's spending limit, he asked to carry out the Committee's recommendation and hire Mr. Kwaas.

Questions and discussion: Councilor Pickering said this was not the first Economic Development Committee in Newmarket, and probably would not be the last. He said paid studies had been done in the past, adding that there were many such studies at Town Hall. He wanted to insure that this new study would not duplicate other information that had been gathered as he didn't want to pay twice for the same information. He felt that some of the older information could be revised. He asked if he could have access to all the other prior paid studies that were at Town Hall, and Town Administrator Fournier said he could. He added that this new study would have a different focus and Mr. Kwaas would work with the Committee to help it reach its goals. He said this Committee had a different focus as it was looking at what Newmarket wanted, and the study would include community input as part of its work. Council Chairman Levy added that he would take into account what suited Newmarket and the area and, to his knowledge, in the last decade or so, those previous studies had not considered how Newmarket fit into the surrounding area. He said he had not seen all the studies, but doubted that they contained this information. He said the Planning Board Chairman felt the information would allow them to complete Chapter 6.

Councilor Pickering asked if they were 100% sure that some of the information they were requesting didn't already exist in a previous study. He had been on a previous Economic Development Committee some time ago and said there was a paid consultant on the payroll. Town Administrator Fournier said the town already had some of the information suggested in Mr. Kwaas proposal, and removing that part had reduced the cost of the study. He said if they had the data, they certainly would not pay for it again. Councilor Carmichael asked when Mr. Kwaas would begin his work. Council Chairman Levy said if the contract was approved, he was hoping to set up a meeting for June, and he expected the work to be complete in 60 – 90 days. He asked Town Administrator Fournier to look at some of the past studies. He felt that if the Planning Board had that type of information, they would have included it in Chapter 6. He said that Mr. Kwaas would be acting as a facilitator and not just an information gatherer.

Council Vice Chairman Bentley, agreeing with Councilor Pickering's concerns, asked that Town Administrator Fournier look at all the information available to determine if there was any duplication before hiring Mr. Kwaas. Town Administrator Fournier said if he found information, rather than paying for it to be gathered again, he would suggest that it be revised and the money used for something else. Council Chairman Levy said if he found any duplication he could let them know. Council Chairman Bentley said he didn't want to delay this for 2 weeks, and thought the Town Administrator could let them know within a few days. Councilor Pike said he felt the consultant would have expertise not only in how Newmarket fits into the area, but how Newmarket can determine and implement its aspirations. He said for that to happen the information has to be fresh to be

meaningful. To Councilor Nazzaro's question, Council Chairman Levy said that facilitating was included in phase 2 of the proposal.

Council Vice Chairman Bentley asked if they could receive copies of the tax exempt list, as last year there were questions about some on the list. Town Administrator Fournier will make the list available. Councilor Nazzaro asked if someone could look at the impact of offering tax exemptions or reductions to senior citizens as he thought it would be the right thing to do. Town Administrator Fournier will have the Assessor look into this, adding that this had become an issue in some towns as it was beginning to affect the bottom line of the budget. Council Chairman Levy, referring to page 20 of the packet, said it was reported that police calls were up 40% and he wanted to know the call types. Town Administrator Fournier will get the information. He then asked when Bruce Mayberry's report on the proposed M-2 zoning change would be complete. Town Administrator said that he and Town Planner Hardy were in the process of reviewing the draft for omissions. He said the Council should have the report within a week. Council Chairman Levy asked about the report on the Macallen Dam. The Planning report said the consultant cost than \$82,382 and they were expecting \$40,000 from a grant. He asked where the town's share would come from. Town Administrator Fournier said a CIP had been established to cover the cost, but at this time, although the planning department was still looking, there were no other grants.

Councilor Pickering asked if the tax-funded Rockingham Sheriff's Office could help with some tasks in Newmarket to help lighten the load on the Police Department. Town Administrator Fournier said that if they were wanted to help with patrols, for example, it would have to be discussed with them, but he didn't know what their load was. Councilor Pickering said the Fire and Rescue budget expenses were 20% lower (78%) than the previous year (98%), and asked if they could expect any large ticket items or if it was over-budgeted. Town Administrator Fournier did not anticipate any large ticket items and added that sometimes there were fewer calls, but he wasn't sure if that was the case, so he would look into it. He asked if the DPW inspected and fixed rust spots on existing vehicles to forestall purchasing new ones as he felt they should be frugal. Town Administrator Fournier said that DPW and Water/Sewer were doing that now when the vehicles were not in service and additionally, they had a power washer to clean the salt and sand off the surfaces. Councilor Pickering said he had received questions about the schedule for cleaning up debris/litter along the roadsides. Town Administrator Fournier will find out when this is planned.

Councilor Nazzaro said he was glad to see the previous year's expenditures included in the department reports, and added that he felt it was time to get projections for year-end to help in decisions for reallocating funds. He felt that Fire and Rescue may have been overspent the previous year, rather than under spent this year. Council Chairman Levy added that if the expenditures were prorated, the department should finish within 5% of its budget. Town Administrator Fournier will ask for projections for the next reports. There was no IT report because the Department Head had a death in the family. Councilor Nazzaro noted that welfare was greatly under spent and asked if people were not informed about the program or if it was grossly over-budgeted. Town Administrator Fournier said the town had a new Welfare Director who had been finding assistance through other agencies. He added that the budgeted amount for FY14 had been greatly reduced from what was allocated for FY2013. Councilor Nazzaro asked how much of the \$42,382 that the town would spend for the Macallen Dam consultant would go against the \$45,000 approved warrant article a few years ago. Town Administrator Fournier said it all would, and the June workshop would include a presentation on the dam.

Councilor Nazzaro commended the Town Administrator and Department Heads on under-spending their budgets, noting that they would have an option of returning money to the taxpayers, but also he hoped some funds could be put toward spring cleanup as this was a service people were demanding. He believed in the past this had cost about \$30,000, but no money had been budgeted in FY 2013 or FY2014 for this service. Town Administrator Fournier said he was very aware of this and was looking into it, but felt that whatever could be

done, would most likely be in the fall. Councilor Pickering thanked Recreation Director Hilton for making a bus available for senior citizens without transportation so they could attend the monthly meal at the Senior Center. He said this was much appreciated and he hoped it could continue. Council Chairman Levy asked that revenues for vehicle registration and building permits be reported with the dollar amount and the percentage over budget for consistency. Councilor Nazzaro said he would like to see charts for revenues included in the report as well as charts on expenditures. Town Administrator Fournier said there was a revenue chart on page 59 of the packet, but some of the revenues were not broken down by source. Council Chairman Levy said they were being given much more information than they ever had been in the past, which seemed to express the sense of other Council members.

TOWN COUNCIL TO CONSIDER REPORTS FROM COUNCIL REP COMMITTEES

COUNCILOR PICKERING, BUDGET COMMITTEE: The Budget Committee had met on April 29th. Meg Louny-Moore will be the Alternate School Board Rep when Cliff Chase is absent. There were 2 candidates for the one open position on the Committee: Michael Lang and Rose-Anne Kwaks. Mr. Lang was elected by a vote of 5 – 4. The Committee discussed the earnings reports for town and school employees in the Town Report. Some figures included payments beyond regular earnings, and it was felt that this should be noted in the report for fairness and consistency. The Committee discussed insurance contributions for the school and town. For school employees hired before 2007, the school pays 89% of the cost and the employees contribute 11%; for those hired after 2007, the school pays 85% and the employees pay 15%. This was contrasted with the town's contribution rates for its 51 employees; the town contributes 80% and the employees pay 20%, with the exception of 2 employees for whom the town contributes 90%. Chairman Snyder had proposed holding town and school informational budget sessions for the public.

COUNCILOR PIKE, CONSERVATION COMMISSION: The Conservation Commission met on May 9th and spent a good amount of time discussing Macallen Dam. There was discussion on a possible land swap at Heron Point because a trailer had been placed on the wrong part of the lot and access was not where it should be. The half-marathon at Schanda Park had been a great success and the Commission discussed fund raising events such as a fishing derby. They were considering giving a conservation scholarship, and sponsoring a conservation field trip. The Commission will continue its efforts in invasive plant control. Councilor Pike said this had been his first meeting and he was impressed with the dedication of the members. Later he added that the Commission had discussed the report of a tank truck removing surface water from Follett Brook. The Commission had posted signs in the area saying this was not allowed. He had seen a similar sign on Bay Road and said that it was faded and no longer expressed the intent of the town. This will be looked into. There was discussion about finding other areas that might be available for tank trucks to fill up that would not hurt the town. This will be discussed further at future meetings.

COUNCILOR WRIGHT, PLANNING BOARD: The Planning Board met on May 14th and considered 3 lot line adjustment applications. One was from Newmarket Mills, LLC for the old gas station property where they plan a restaurant. Also, there was an application from 17 Lamprey Park for the trailer that had been placed on the wrong part of the lot. This will come before the Council shortly as it involves town land. The trustee of the estate will cover surveying costs. The third application was to subdivide 206 Gaunet Drive. The Board had previously brought before the Council its idea of changing from Impact Fees to System Development Charges, and the Town Administrator will be contacted to see where the town is at this point. Council Chairman Levy said he remembered the conversation from the previous year, and he thought they were to be given the pros and cons of each along with the differences in revenues. He said in the past impact fees were not being used in a timely manner, and the town had to return a great deal of money. He added that the town would have been in a much better position if it didn't have to refund the fees.

DISCUSSIONS/PRESENTATIONS:

DISCUSSION ON ELECTRICITY PROVIDERS, MATT ANGELL:

Council Chairman Levy said this would be a discussion only and the Council would not be taking any action at the meeting. Interim Finance Director Angell handed out a summary regarding electric rates. He said the Council had asked him to find out if the town would incur damage charges if it ended its current contract for \$0.07207 per kWh before the December, 2013 expiration date. The damages were estimated to be between \$16,000 and \$17,000, so he recommended staying with the present contract until it ended. Recently, the school had to find a new provider rather quickly, and the town had joined in the RFP. The school had selected a provider for a 36 month contract at \$0.072 per kWh, but the same company had come in at almost \$0.075 per kWh for the town over their recommended 49 month period. He said he had received a call that day from a company that offered between \$0.065 and \$0.075 per kWh. The general feeling among providers was that rates were going to rise, but there are risks with short-term as well as long-term contracts. Mr. Angell had included information from some of the providers he had contacted.

He said he would like to contact a number of providers and ask them to bid. He said there was a problem with the amount of time required to approve RFPs, and the rates were usually only good for a few days. He recommended that the Council suspend its rules for a second reading, and authorize the Town Administrator to prepare RFPs for the town only, and authorize him to approve a contract before bringing it to the Council. He further recommended that any new contract be aligned with the fiscal rather than the calendar year for budgetary purposes. Town Administrator Fournier said the town had a number of contracts that ended on December 31st, and as contracts expire, one of his goals was to change the ending dates to June 30th. Council Chairman Levy said since they had just received the information, they had not had a chance to analyze it. He asked if the quotes of between 6 and 7 cents included the PSNH line charge. Mr. Angell said they do not, and that charge would be between 4 and 5 cents. Council Chairman Levy asked if the companies had analyzed usage, and Mr. Angell said he had supplied that information today. Council Chairman Levy suggested that if the rate came in closer to 6 cents, that Mr. Angell analyze the numbers to see if it would be possible to cancel the present contract and not lose money. Mr. Angell said that he doubted that the town would be able to make up the damages in 6 months, and to Council Chairman Levy's next question, he said that damages for breaking the contract were spelled out in the contract. He said the contract did not specify how the damage amount was calculated. He said he felt the rate the town was paying was fair, and the quote he had received was also fair, but he thought they might be able to do better.

Councilor Nazzaro thanked the Town Administrator for attempting to align contracts with the fiscal year. He recommended that the usage analysis be done on a worst case scenario basis. He said he would rather suspend Council rules and vote at a workshop than suspend the purchasing policy rules for the contract. Councilor Wright asked how the providers would be vetted, as the school had a problem with a provider going out of business. Mr. Angell said the school had a viable provider, but the company did not have its funding in order. He said he would have to make sure any provider was licensed and try as best he could to determine that its funding was in line. Town Administrator Fournier said they should also consider using a broker who would appraise rates monthly or quarterly and the Council could determine a not-to-exceed rate. The brokers would be paid for by the providers. He said if the broker determined that the cheapest rate was through PSNH, the town could use them. Mr. Angell said that PSNH was having hearings with the Electric Commission to try to woo back any customers they had lost because of rates and if the hearings were successful, PSNH could be the fall-back position.

Councilor Nazzaro said it would be helpful to set up the RFPs as close to the Council meeting schedule as possible. Mr. Angell said he could add a phrase that quotes be held for 5 to 10 days. Council Chairman Levy referred to Mr. Angell's informational memo on impact fees which said that Wastewater had an ending balance of \$113,000 and the next deadline is September 27, 2013. Mr. Angell said that as far as he knew, Water/Wastewater Superintendent had a plan for the funds. Councilor Pickering said that since electric rates had been deregulated, the situation had been shaky at best because everything was based on natural gas prices and they were extremely low. He said that providers had been able to make deals, but PSNH was not able to because the Electric Commission required them to run some of their old, less efficient plants. He said that if natural gas prices spike, the town would be back to the prices it originally had. Mr. Angell agreed that there were no guarantees and that all they could do was make the best possible decisions now for the future.

PRESENTATION OF ENGINEERING OPTIONS FOR WASTEWATER TREATMENT FACILITY AND MACINTOSH WELL, SEAN GREIG:

Mr. Greig began with a Power Point presentation which is found on page 69 of the packet. The selection process for engineering for both the well and wastewater treatment facility is determined by NHDES, and towns must select firms from a pre-qualified list and make decisions based on qualifications for the job and not by cost. Once a town decides on an engineering firm, it then can negotiate the scope and fee for the work. The town first has to advertise its request for proposals from the pre-qualified list, review the proposals and conduct interviews. Next, the town would have to rank the firms based on qualifications and interviews, and negotiate the scope and price with the top firm. If negotiations are not successful with the top firm, the town would then negotiate with the next firm, on so on. Once an agreement on scope and fee is reached, the town must submit the proposal to funding agencies for review and approval. Funding sources want to ensure that the scope of the project is complete and that they are not overpaying for the project, and they do comparison reviews with similar projects.

In 2010, the town advertised from the list for engineering services for the wastewater treatment plan and also for the well. (Mr. Greig used the example of the wastewater treatment facility as it was a larger project.) Of the eight firms who attended the mandatory RDF meeting, four submitted proposals. The town offered interviews, and of the four, one refused the interview. Three interviews were conducted by NHDES wastewater operations and design staff as well as town staff. The firms were ranked after the interview process and phone calls were made to other communities to get information about their experience with teams for the project and to verify the selection. Scope and fee negotiations were held and the results were sent to NHDES for its review and approval. This same process occurred for the MacIntosh Well.

As of now, the preliminary studies and engineering phase has been completed for both projects. Underwood Engineers is the engineer of record for the wastewater treatment facility and Weston & Sampson for the MacIntosh Well. Mr. Greig said the Council was at a decision point to enter the scope and fee negotiations with each of the firms for the next phase of the project, and then send the information to RFD and DES for approval or to begin the selection process again. Either way, the Council would have to hold first and second readings before deciding on a firm. He said both projects were on strict schedules and the town could not afford delays. He said he had a good working relationship with both firms and their teams and both were knowledgeable. He added it was common to keep the initial design firms for the design and construction stages as they had a working knowledge of the project, and he recommended that the town continue its relationship with them. He outlined the qualifications of the 3 key members of the team for the wastewater treatment plant. The MacIntosh Well project is at

the stage when the town can begin spending money through the state revolving loan. He said the funding for the wastewater treatment plant was a little more complicated and they were working with RFD on the preliminary stage as well as for funding of the next phase. He had looked at models of the projects in Pease, Somersworth and Hanover and had no reservations about the work of either firm.

Discussion and Questions: Council Vice Chairman Bentley said the Mr. Greig seemed satisfied with the work done by the firms. Mr. Greig has a cost figure from one of the firms and said it was in the ballpark of what he expected. Council Vice Chairman Bentley said the report emphasized that time was of the essence, but he felt they had a responsibility to see what else was out there at what cost. Mr. Greig said they would have to negotiate with another firm or series of firms, but they could not necessarily get a lower cost. He emphasized that the selection had to be based on qualifications first and negotiations come after the selection. Councilor Carmichael said at the last couple of meetings he had asked, and Town Administrator Fournier had said, that they were going to get a committee together. The committee would be comprised of 2 Councilors, Mr. Greig, Town Administrator Fournier and 2 representatives from other communities that had worked on the same projects. He said he was under the impression that they were going to get RFPs from some firms. He felt the projects were far too important to rubber stamp, and he wanted to have alternative input for the design reviews. He said that the firms had probably done a good job and Mr. Greig had a good working relationship with them, but he felt they should look at other proposals.

Town Administrator Fournier said this was no rubber stamp and he had no authority to appoint a committee only the Council could do that. He said he had suggested that a committee be appointed to review any proposals. He had asked Mr. Greig to make a presentation to apprise the Council of the entire selection process, where they stood with the current firms and why he would recommend staying with them. He said if the Council chose to go through the selection process that would not be a problem, but first the Council needed to decide whether it wanted to continue and negotiate with the present firms or go out to bid and begin the selection process. He said that once proposals were received, that would be the time to have a committee, and he recommended that the committee continue through the entire project as a reviewing body. He thought the committee should be given the authority to approve change orders, so that they didn't have to continually go back to the Council. He said they were at the point now that the Council had to decide if it wanted to go out for RFPs, and depending on the decision a committee would be appointed to vet proposals and make recommendations to the Council. He said that nothing was off schedule at this point.

Mr. Greig clarified that after the design was complete, the town would be required to hire another engineering firm to look at it because of the cost of the project. Then other engineers from DES and Rural development are required to look at and approve the design. They have to insure that the proposed design will work and not cost more than necessary, as they are contributing toward the funding. Council Chairman Levy said he sort of understood Councilor Carmichael's question, and from the power point demonstration, he felt that Mr. Greig perhaps gave the unintentional impression that he was seeking an outcome rather than a choice. He said they were there to discuss this, and Mr. Greig said he was looking for direction.

Councilor Nazzaro said they were being told that in order to get the state money, they have to choose from a select group, and not ask about the expense of the project. Mr. Greig said that was correct, but all the firms had been prequalified. Councilor Nazzaro said the process seemed ridiculous to him. Council Chairman Levy said he had run into this before and anytime federal funds were to be used, the government wanted to insure that the choice was predicated on qualifications not expense. He said if

they were not getting any state or federal money, they could do what they wanted. Councilor Nazzaro said they were not being allowed to consider all engineering firms, and asked if they could ask for historical data and about project overages in the RFPs. Town Administrator Fournier said they could ask for references or for other towns the firm had worked in. Mr. Greig said they could ask the percentage of change orders in the interview process. He said that he felt scope and cost negotiations and subsequent review by DES were required because they wanted to make sure the proposal was complete and to avoid change orders. Councilor Nazzaro said he felt the two firms had done a great job, but he felt, because of the large amount of money being spent, that they should go out to bid. He said he hoped that the 2 firms would be among those submitting proposals. Mr. Greig he was asking for direction now. Councilor Pike remarked that the Council wanted competitive bidding, but the process was that they could not have competitive bidding. Town Administrator Fournier said it was not quite that black and white. He said they would ask for proposals, not from anyone, but from a select group of about 20 engineering firms.

Councilor Pike said it seemed that they had to pick from a group and then negotiate the cost one by one. Mr. Greig said they would rank the firms, and then proceed with negotiations with the top firm. If those negotiations were not successful, they would then negotiate with the second firm, and so on. Councilor Pike said then they would have to know what would be a great price before negotiating and asked if Mr. Greig had received a price yet. Mr. Greig said he had been given a draft cost and scope but had not started negotiating. Councilor Pike asked if he felt he could negotiate down from that price, and Mr. Greig replied that he felt the firm had given a very good price after speaking to other engineering firms and the state. Councilor Pike asked that, even if they did go out to bid, would Mr. Greig rank this firm number one. Mr. Greig said that when he was looking at whether they should or should not go out to bid, he also looked at what team would be provided, the history of what firms charge and their overhead. On that basis he did not think they would get a better price than the one he had. Mr. Greig said there were other good teams, but he would rank the one they had as one of the better ones.

Town Administrator Fournier pointed out that Mr. Greig would be one of a committee going through the process. Councilor Pike said the choice before them was to negotiate with the firms they presently had or to go out to bid, re-rank firms and then negotiate. Town Administrator Fournier said they would go out to bid and he hoped they would get qualifications from their current engineers along with other submissions. The committee would look at the firms and rank them according to their teams and what they were offering. It would be only after ranking that they would negotiate the cost. To Councilor Pike's question, Council Chairman Levy said they could go out to 3 separate firms and maybe get 3 different design opinions. He said he had re-read the 2010 Resolutions from April 3rd packet, and his understanding was they were for study work not design and construction. Mr. Greig said in doing such projects, he does not like to commit to the whole project, but prefers to break it down into pieces in case they are not happy with the work.

Council Chairman Levy said having an RFP was one of his goals. He said his logic was that he would feel more comfortable knowing the ideas of 2 to 3 other teams because of the \$14.1M cost for design and construction. He said he had the impression from the Power Point presentation that there was a contract in place, but from what he read, there was no contract for design and construction. Mr. Greig said that it was not his intention to imply they had an existing contract. Town Administrator Fournier said that would be for the next Resolution. Council Chairman Levy said this was not just about negotiating price, but other firms might have a different approach. Mr. Greig said he doubted there would be any major changes in what would go into the facility. Councilor Carmichael said he would like to see the committee start soon. Town Administrator Fournier said that it seemed as if the Council was

in favor of seeking proposals. He said the committee would be set up while they were waiting for proposals to be submitted, and then the committee would proceed to read the proposals, interview the firms, rank them and make recommendations to the Council. Mr. Greig said the timeline for the entire process would be about 2 months.

Council Vice Chairman Bentley asked how the \$14.1M cost was determined. Mr. Greig said that the estimate came from Underwood Engineering and held up the study that had been completed. He said this was not a proposal, but an estimate based on what had to be done and the costs of the materials involved using standard engineering practices. He said the study was vetted by Rural Development and NHDES. Council Vice Chairman said that through the process they could learn that one firm might be able to complete the project for less than the \$14.1M because, for example, it could work with a smaller profit margin. Town Administrator Fournier said the \$14.1M was not for the engineering, but for the construction companies and they would be the ones to decide if they could operate with a lower profit margin. He said they were still at the design phase. Council Vice Chairman Bentley said that there might be another qualified engineering firm that would take a smaller cut of the money. He agreed with Councilor Nazzaro's point that with such a large project and expense, they owed it to the taxpayers to see if there was anyone else who could complete the project for less. Councilor Nazzaro said that even if they went out to bid, they would never see qualifications lined up with price in any of the proposals and he thought that was wrong.

Mr. Greig said they would only see costs included in with the construction firms. Councilor Nazzaro asked if those bids would be for a fixed cost or for time and materials. Mr. Greig said that generally they would only pay for work that had been completed and materials used, and if the company goes over budget, there would be a not to exceed clause invoked. Councilor Nazzaro asked who sets the criteria that they would use in ranking the engineering firms. Mr. Greig said he had a book they would use for selecting a qualified engineer. Councilor Nazzaro said if they did seek proposals, he would like to see one of the criteria be a round knowledge of the project because knowledge of the project has monetary value. He said the time it would take for a firm to learn all the ins and outs of the project would cost them money. He qualified that he was saying they should single-source the entire project, but he would like that to be one of the criteria. Mr. Greig said the firm that has worked on the project would have an advantage in that criterion, but it was something they considered.

Councilor Wright said that Mr. Greig or someone had come up with the ballpark figure of \$14.1M for the wastewater treatment facility. He said if he was an engineering firm in the business, he would know the ballpark figure. He said if he was a hungry engineering firm, he would look at this, and somehow during the process, would let the town know that this price was somewhat high. He felt this could happen sometime before the selection process was complete. Mr. Greig said this could not happen as they would not know the price until after it was negotiated. He said to confirm his ballpark figure, he discusses it with other engineering firms and also the state can give its opinion. There was a suggestion that, during the interview process, a firm could voice its opinion on the price. Mr. Greig said he had done research to confirm the cost.

Town Administrator Fournier asked how the Rural Development Funds application might be affected if the town chose a different firm. Mr. Greig said it might make the process somewhat more difficult, but they shouldn't lose the funds. He added that during the interview process they would ask about any experience the firms had with RDF including what percentages they had received from the agency. Council Chairman Levy said he had spoken with some other towns and some had done RFPs. He did not think they were unhappy with the decision. Mr. Greig said he had spoken with other towns before

putting the presentation together and asked the reasons why some decided to go out to bid. Town Administrator Fournier said if the Council decided to go out to bid, it was not a reflection of Underwood Engineering's performance. He realized that cost was always a factor, but in his experience the firm was good to work with and showed a willingness to go the extra mile.

Councilor Nazzaro asked that if cost couldn't be used as a determining factor, what they would be gaining by going out for an RFQ. Council Chairman Levy felt they could get a different perspective. He said he couldn't see a downside to looking at what a few other firms could offer, as they were doing their due diligence for one of the largest projects the town had ever had. Councilor Nazzaro said he thought they were trying to get something from the process that the process was designed to not allow them to get: a cost comparison. Council Chairman Levy said that when the state goes out to bid, say for a highway, it doesn't always give the bid to the same company. Sometimes a different company will give a different perspective. He said they follow the same process of negotiating price, and if no agreement is reached, go to the next firm. He said he didn't think it was unusual for towns to go out for RFQs, and Mr. Greig said it was not. Council Chairman Levy said their hands were tied on predicating the decision on price, but he felt they would get different viewpoints and a better understanding of the process. Councilor Nazzaro said that it would be good to get different viewpoints, but the system prevented them from comparing costs and made it impossible to carry out one of the Council's functions, that of watching out for the taxpayers' money.

Mr. Greig said that a lot of the firms have crackerjack teams, but a lot depended on whether the town gets those teams for its projects. Determining the team would come up during the interview process. He stressed the importance of having a team they could work with, as the project would continue for 4 years. He said he would not recommend any firm unless he felt the town would have a great product. He said he had worked with most of the firms, and the two the town have now had put together top notch teams. Councilor Pike asked what they could lose in the RFQ process other than a couple of months. Mr. Greig spoke of some large firms that send in professional interviewing teams, but these would not be the teams that would work with them on the project. He stressed the importance of meeting the teams who would do the work. Town Administrator Fournier said the other thing they would lose is time. He said he realized the Council had asked for the presentation 2 months before, but they had to get through the process to have all the necessary information. He felt they had time to go through the RFQ process, but the Council would have to trust the judgment of committee that is appointed and not get bogged down and drag out the process. He said they would have to go through the process of holding the grant funds until they completed the process.

Council Chairman Levy asked that the committee members be named at the next meeting. The committee would be made up of the Town Administrator, Mr. Greig, 2 of his peers and 2 Councilors. He said it would be his desire to take the recommendation of the committee, and that no one was looking to stall the process. He said he would like to talk to some of the Councilors before naming them at the next meeting. Council Vice Chairman Bentley said there was a breakdown in the \$14.1M cost of the elements it contained, and somewhere there was a listed engineering fee. He said they already knew the fee for the existing firm, company A, but if they went out to bid, they wouldn't know the amount for a different engineering firm. He asked why they could not do that, adding that they were not being forced to go to company A. Mr. Greig said it was difficult to make comparisons, as contingencies were built in to cover such things as inflation.

Council Chairman Levy asked if they interviewed 3 companies, would they be getting the cost for the engineering fee or for the whole plant. Mr. Greig said they would be getting the cost just for the

engineering part of the project, which is a percentage of the bid cost. Councilor Nazzaro clarified that they could not ask for costs until after selection and there would be no numbers in the proposals. Mr. Greig said he has asked for scope and hours as an indication of whether the firm was close or far away from what they were looking for in cost. Council Chairman Levy asked if the Council needed to vote on this, and Town Administrator Fournier said it was clear from the discussion that the Council wanted to go out to bid. Mr. Greig confirmed to Councilor Wright that he could spot firms with interviewing teams., and Councilor Wright stressed that since they had no control over price, they only had control over the firm they chose.

Town Administrator Fournier cautioned that if the current firm rebids for engineering, it might not be the same offer they presently have and that was a risk. Council Chairman Levy said he would have no problem selecting Councilors to serve on the Committee, and they could appoint the committee members at the next meeting. In the meantime, the RFQ will be prepared and sent out. The committee will be ready by the time the proposals come back. Mr. Greig said he was required to publish the RFQ in one paper, but he would also send it to the roster of engineers.

FINALIZE COUNCIL GOALS:

Councilors Nazzaro and Pike had not been present at the previous goal setting discussion. The Council had received the goals including a timeline for action or completion. Councilor Nazzaro said, to him, these did not seem like goals that would push them to a certain end state, but tactics and benchmarks or activities. He said all the actions were good, but did not seem organized in a way that would help them realize a goal. Council Chairman Levy said, for example, the month of July included setting up the committee for the MacIntosh Well and wastewater treatment plant, which would be done in working toward the goal of beginning and managing and ultimately finishing the projects. He said in August, the Council would be gathering information to make a decision on how to proceed with the budget. He said having an analysis of all the large properties the town owns in June, would help them decide what to do with the land.

Councilor Nazzaro said he would aggregate this under ensuring that the tax rate was stable, either the same or lower. He said the central goal would be to have a stable tax rate, and these were activities leading them there. He said they should get an idea from Mr. Greig of where they should be with the MacIntosh Well by the end of the year, and pursue activities to get there. He said he did like this format because it would ensure that they stayed on track with activities. He just wanted to see where they wanted to be at the end of the year to determine if they had achieved that success. Council Chairman Levy said he thought there was an understanding that the activities were all a part of keeping the tax rate flat. Town Administrator Fournier said this timeline was a map or operational activities to reach the goals on the memo distributed at the previous meeting. Council Chairman Levy said they could put a title above each month's activities to relate to the goal. Councilor Pike said they could have a second document prepared or use the one from the previous meeting to show the goals and their related activities, but he felt having the timeline was very helpful.

Council Vice Chairman Bentley said he understood what Councilor Nazzaro was saying, and suggested that they place number codes next to each activity to indicate its relationship to a goal. Councilor Pickering, referring to the April 23rd memo about establishing a lower tax rate, said he did not see looking into regionalizing some police services on the August list. Town Administrator Fournier said he would add that to the list. Councilor Nazzaro said he liked Council Vice Chairman Bentley's formatting idea, as it would show clearly how activities relate to goals. He said another column could be added to the far right that listed the goals with a numbering/lettering system for reference. Town Administrator

Fournier will add that to the format and also add a miscellaneous heading for those activities that do not fit exactly within a specific goal. Councilor Pickering thanked the Town Administrator for putting everything together. He said he didn't know where the idea would fit of having discussions with other towns on purchasing larger vehicles together, but asked that it be included. Town Administrator Fournier said that should be an on-going activity and wouldn't really have a deadline so it wasn't included in the timeline. Council Chairman Levy said he liked the idea of relating activities to goals by coding, and added that if they could accomplish everything on the list by November, they would have a very full plate.

Council Chairman Levy said he wanted to clarify an item in the October timeline. He thought that Peter Kwaas might not be the person to evaluate the activity of analyzing available land tracts in the community to determine which properties were good for development, but he might be able to give them some input. He thought they might have to find a land use specialist who could analyze the pros and cons of each parcel in terms of access and financial implications, etc. and give the committee feedback. He added that once the goals and activities were coded, he thought they should be posted on the town's website so the Council could keep track and the community provide input. Councilor Wright said he liked the format, but saw it as an evolutionary process that would get better every year. Town Administrator Fournier said there were only 6 months to accomplish everything on the list, and reminded them that other issues would have to be dealt with during that period. He said he did not want at this point to try to predict what they would be doing in November, and with a town election in March there would be a new Council which would have to determine its goals.

Council Chairman Levy said that many of the activities would help them in the budgeting process. Councilor Nazzaro said these activities would also help drive the agendas toward reaching goals. He said there was nothing on the list that related to trying to find ways of working more closely with the school district as it represented the largest portion of the community tax rate. He wasn't sure if there had been a decision that the time might not be right to explore this. Council Chairman Levy said he was to meet with School Board Chairman Meg Louny-Ryan, but she had to resign from the Board. He said he was waiting for a new Chairman to be selected, and would be more than happy to participate in joint discussions, including the Town Administrator and Superintendent of Schools.

NEW BUSINESS:

Council Vice Chairman Bentley congratulated the 9 members of the Charter Commission and thanked those who ran, adding that it was nice to see some new faces. He said there was a lot of confusion and questions in the community about what the charge of the Commission and what it can and cannot do. Town Administrator Fournier said that he and the Town Clerk were working on an orientation package for the Commission, and they were planning a seminar with Municipal Association attorneys to relate the processes they had to follow and outline what the Commission can and cannot do. This will be televised and the duties of the Commission will be posted on the website. He said he hoped they would also post their activities on the site. The Commission will have an organizational meeting on May 28th and the Town Clerk has to call the meeting to order and distribute the packets. The Commission has to follow a very strict timeline set by state statute, and this will also be discussed at the meeting.

Councilor Pickering said he had worked with four Town Administrators and was very pleased with getting answers back in a timely fashion from Town Administrator Fournier. However, he had asked that mileage and hour readings be done on vehicles and hadn't heard about the progress. Town Administrator Fournier said they were working on this and he had asked the Acting Finance Director to come up with a town-wide format that they could use. Councilor Pickering said he felt they should

continue with the Efficiencies Committee. He said they had a list of suggestions to work on and people willing to serve. He said he would like to see the Committee come up with more suggestions to present to the Council.

Council Chairman Levy said he thought the Committee originally wanted to look into aggregating some expenses for the town and school, and this was difficult to consummate for a variety of reasons, and discussions between the town and the school broke down. He thought the Council would be glad to listen to suggestions, and added that he couldn't speak for the school. He wasn't sure if it was the way the Committee was set up, but he felt there might need to be an intermediate step to help facilitate the suggestions. He said that Councilor Pickering was on the Committee and asked for his sense of what happened. Councilor Pickering said there was bickering between the town and school and they didn't gain a lot of footage there. However, there were other suggestions, specifically converting some vehicles to propane that were stalled. He said everything was in place to use propane in the vehicles. He thought the Committee became bogged down on school/town issues, but there were many other areas that could be looked into. He felt it would be beneficial to have the Committee look into more ways to save money. The Committee had not been decommissioned, and Councilor Nazzaro added that it had been left that the School Superintendent and Town Administrator would work together to find savings. He said he did not think all the savings could be found there, and in addition they should also look at what was being done now that could be done more efficiently and what could be done regionally. He said that they could use the help of more people to help find and study ways to operate more efficiently. He said he would like to see the Committee more active and felt they should be able or perhaps commissioned to do studies and make recommendations to the Council.

Council Chairman Levy said that his understanding was that there was a question of vehicle warranty being cancelled if it was converted to propane. He said with many of the suggestions, he felt the circle was not closed, which was not the fault of the Committee. The Committee was given no authority, and he understood that other towns had similar committees made up of people who can take action. He said if they had this outside group they would have to make sure there was someone who could make sure all the proposals or suggestions had someone to check details. Councilor Nazzaro said that it was the Council that had to close the loop. The Council didn't get all the information about the propane/auto gas conversion, and it was never determined with any certainty that this would affect the warranty, so they did not proceed to act on the suggestion.

Councilor Nazzaro said he thought they had to leverage the Efficiency Committee as additional capacity for the Council, so that they could accomplish more. He said the Council would have to hold itself accountable to act on recommendations in a timely manner rather than letting them linger on the table. Town Administrator Fournier said the proposals that had come before the Council were not necessarily concrete, but more general ideas that they wanted to run by the Council. He said for any committee to work it had to come up with a concrete recommendation with its pros and cons, which was how he worked. If the vote were a nay, he then would come up with another recommendation. He said he felt this was something the Efficiency Committee could do, as he and the Council cannot study every opportunity. Council Chairman Levy suggested that Town Administrator Fournier post for volunteers for the Committee on the website to see if there was interest.

Councilor Nazzaro said the teams were full for Saturday's golf tournament for the Veterans memorial, but that people could still donate to the cause. He said the phone numbers were on the website. Councilor Pickering asked if the tour of town facilities had been scheduled. Town Administrator Fournier said he would do that and wanted to include the new Budget Committee members as well.

Town Council Workshop
May 15, 2013

Councilor Nazzaro moved to adjourn and Councilor Pickering seconded. Motion carried unanimously and the meeting adjourned at 9:15 p.m.

Respectfully submitted,

Ellen Adlington, Recording Secretary



**Town of Newmarket, New Hampshire
Town Council Business Meeting
June 5, 2013 7:00 p.m.
Council Chambers**

4. Report of the Town Administrator

STEPHEN R. FOURNIER
TOWN ADMINISTRATOR

sfournier@newmarketnh.gov
www.newmarketnh.gov



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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

June 5, 2013

Waste Water and Well Request for Qualification Process: The Water and Sewer Superintendent issued 46 requests for qualifications from various engineering firms as well as published the notice in the Portsmouth Herald. We have had interest from a number of firms and the final proposals are due June 10. After we receive the proposals, I would ask that the review committee look over them and pick three for each project to interview.

Web Page Update: The Director of IT has solicited proposals from website design and hosting firms for municipalities. After reviewing the proposals, I am entering into an agreement with Virtual Town Hall to upgrade our website for an amount of \$5,995 payable over the next three years. Virtual Town Hall has provided website design and hosting services throughout the state and New England region. The most advantageous part of their proposal is that their software package allows Departments to edit their own webpages as well a more simplistic design. I have attached a list of their clients to this report. We hope to have the new site up this summer.

Masters of Public Administration Intern: I am pleased to announce that the Town has been awarded a grant through the NH Municipal Association and the Municipal Managers Association of New Hampshire. This grant will pay for two-thirds of the cost of a UNH Master of Public Administration student to work on various projects in Town for 20 hours a week for about 5 months. It is my intention to have the individual provide research assistance to the Charter Commission, as well as other policy projects in Town Hall. The cost to the Town will be about \$2,000.

Mayberry M2 Zoning Report: The Town Council received a copy of the M2 Housing Impact study the Town commissioned Bruce Mayberry to conduct. The Town Planner has written a memo answering more specific questions about the zoning change proposal that the Town Council submitted. After the Council has sufficient time to review the documents, I would like to schedule a meeting with Mr. Mayberry in order for him to answer questions you may have.

Procurement Process: In our continuing efforts to be more open, the Finance Department has begun publishing our requests for proposals/bids online, as well as the outcomes. We hope this will educate the public on the process the Town undertakes with making purchases and the ultimate outcome of those decisions. You can view that information on the Town website by clicking on Departments, then Finance, then Procurement.

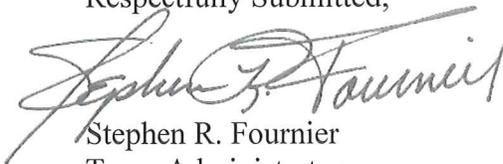
Bike Racks: The Newmarket Business Association is donating five bike racks throughout the downtown area. These racks are single black poles and will have a minimal footprint. Here is a picture of the racks:



I want to thank our part-time Building Official and NBA member Mike Hoffman for all of his efforts to have these installed.

Town Clerk - Tax Collector: Finally, I would be remiss if I did not publicly congratulate Becky Benvenuti on her new position in the City of Portsmouth. In my short time in Town, Becky has become a trusted advisor and a friend. I will miss her honest advice and her professionalism around the office. Becky is a great asset to Town Hall and will be truly missed.

Respectfully Submitted,


Stephen R. Fournier
Town Administrator



Virtual Town Hall Website Services Proposal
Newmarket, NH
(5/30/13)

Initial Services

Phase 1: Website Design

- Create Site Homepage Design & Layout (No Design Limitations)
- Create Subpage Design & Layout
- Modify Design with Client Input until Approved

Phase 2: Site Implementation

- Implement Design within VTS Content Management System
- Develop Department and Board Landing Pages

Phase 3: Full Content Development

- Full Day Onsite: Department Planning Meetings
- Migrate All Existing Web Pages as Identified by Client
- Create All New Pages to Support New Content Developed by Client

Phase 4: User Training

- Full Day Onsite: Training Sessions; Sessions for Site Administrator & Core Department Content Editors

Phase 5: Website Deployment

- Final Site Review and Link Checking
- Install & Activate Related Modules
- DNS Activities

Total Project Cost:

\$5,995

Option: Cost may be evenly spread over 1, 2 or 3 fiscal years

Timetable: Approx 12 weeks from contract approval to website launch.

Annual Services:

Hosting

- Secure Hosting in Time Warner Data Center
- Shared Web/SQL Server
- Redundant ISP
- 24/7 Monitored Facility
- Redundant Power Supplies with Backup Generator
- Daily Backups
- 99.999% Uptime
- Intrusion Detection & Prevention

Support

- 24/7 Emergency Support
- 2 Designated Support Users (Unlimited Number of Content Editors)
- Unlimited User Support, 9 am to 5 pm, Monday – Friday
- Personnel Dedicated Solely to User Support
- Same Day Response (24 Hour Window)
- Online Training Documentation
- Monthly User Tutorials

CMS Application & Modules

- Annual CMS Usage License
- Periodic CMS Upgrades
- Core Drupal Upgrades, as Applicable
- Periodic Module Upgrades
- Install Service Patches, as Applicable

Total Annual Cost:

\$1.995

* Annual expense is a 12 month charge commencing on initial GO Live date; expense may be pro-rated to match fiscal year, if desired.

Included in Your Website Package

- Google/Acquia Search Appliance
- Google Analytics for Traffic Statistics
- E-Subscriber Mail Lists
- Online Web Forms
- Onsite User Training Sessions
- Online Monthly User Webinars
- Full Content Development prior to Going Live
- No Limit to Number of Pages You Can Add over Time

Content Management	Content Management	Constituent Communications
Minutes & Agendas Management	'Review on' Dating	Email Notifications (E-Subscriber)
Schedule Publishing	Schedule Expiration Dates	SMS Text Notifications
WebForms Module	Versioning	RSS Feeds
Unpublish/Archive Content	Embed Video	Twitter Integration
Taxonomy (Auto Cross-Link)	Online File Center	Service Requests Forms
WYSIWYG Editor	Quick Links	"Share This Page"
Dept/Board Specific Calendars	Protected Email Addresses	Ask the Selectmen/Council
Calendar/Agenda Integration	FAQs	Urgent Alert Banners
File Uploads	Audit Trail/History Log	Jobs Postings
Robust Search Engine	Dynamic Breadcrumbs	RFP Postings
Auto Cascading Menus	Content Previewing	Two-Way Blogging
Dept/Board Specific News Modules	CAPTCHA Visitor Authentication	Private Comment Forms
Persistent Navigation	Printer Friendly Pages	Mobile Version for Hand-Helds
Design	Image	Administrative
Rotating Mastheads	Image Editor	User Roles & Permission Levels
Dynamic News Modules	Photo Gallery	Traffic Analytics
Urgent News Banners	Slide Shows	Broken Links
Upcoming Meetings Module	Captioning/ALT Text	Domain Name Management
Blended Seasonal Mastheads	Rotating Department Images	Quality Assurance Reports
Cascading Navigation	Image Administration	Complete User History
Multiple Navigation Schemes	Rotating Bulletin Boards	Board Membership Database
WCAG Accessibility Compliant	Text Magnification Options	Page Standardizations

A Sampling of NH Virtual Town Hall Clients

Bedford

Kingston

Berlin

Londonderry

Bow

Moultonborough

Chichester

New Durham

Derry

North Hampton

Gilford

Plaistow

Farmington

Rochester

Fremont

Rye

Hanover

Seabrook

Hampstead

Stratham

Holderness

Sunapee

Hooksett

Tuftonboro



TOWN OF NEWMARKET, NEW HAMPSHIRE

REQUEST FOR QUALIFICATIONS

Bedrock Well and Mixing Facility

PROFESSIONAL ENGINEERING SERVICES

The Town of Newmarket, NH (Newmarket) is requesting Qualification Statements from professional engineering firms for design, bidding, construction oversight of access road, water line, water supply well pump station, and mixing facility. Firms will be asked to provide documentation on the following: firm profile, project understanding, project approach and schedule, project team and resumes, project related experience and references, firm performance, and rate structure. The Town anticipates reviewing qualifications and experience statements submitted in response to this RFQ, and subsequently inviting up to three (3) selected firms to interview for the project.

The project background, requirements for submittals, and related information will be furnished upon request. Questions regarding this RFQ may be directed to Sean Greig - Water and Wastewater Superintendent, at (603) 659-8810.

Qualifications and experience statements are due at the Town of Newmarket, Department of Public Works, 4 Young Lane, Newmarket, NH 03857 no later than 2:00 PM Monday, June 10th, 2013.

Town of Newmarket, New Hampshire
Request for Qualifications
Professional Engineering Services
Bedrock Well and Mixing Facility

A. Request for Qualifications (RFQ)

The Town of Newmarket, NH (Newmarket) is requesting Qualification Statements from professional engineering firms for engineering services for design, bidding, construction oversight of access road, water line, water supply well pump station, and mixing facility to comply with the Town's Corrective Action Plan. Firms will be asked to provide documentation on the following: firm profile, project understanding, project approach and schedule, project team and resumes, project related experience and references, firm performance, and rate structure. The Town anticipates reviewing qualifications and experience statements submitted in response to this RFQ, and subsequently inviting up to three (3) selected firms to interview for the project.

Qualifications and experience statements are due at the Town of Newmarket, Department of Public Works, 4 Young Lane, Newmarket, NH 03857 no later than 2:00 PM Monday, June 10th, 2013. Seven (7) hard copies and one digital copy of the RFQ shall be provided. Firms submitting must be listed on the State of New Hampshire – Department of Environmental Services' roster of prequalified engineers for all wastewater treatment categories.

B. Introduction

The Town has identified the need for additional water supply in its Water System Update and Capital Improvement Plan (AECOM 2010). The Town has permitted a three-hundred gallon per minute bedrock well. The well was found to contain elevated levels of arsenic, manganese, sodium, chlorides, and total dissolved solids. The Town has completed a preliminary design and alternatives analysis report (Weston & Sampson 2010). The Town has completed a pilot study to compare electro dialysis reversal and blending alternatives in August 2012 (Weston & Sampson). The Town has decided to construct a blending facility to reduce the elevated constituents to acceptable levels.

Due to the need for additional water supply, the Town has agreed to a Corrective Action Plan (CAP) with the New Hampshire Department of Environmental Services. The Cap includes required milestones for the project.

In March 2013, the Town approved bonding authority for this project. The funding source for this project will be DWSRF funds.

C. Engineering Services Required

The professional engineering services anticipated to be required by the Town of Newmarket during the project, and addressed in this RFQ, generally include but may not be limited to:

- Confirmation of basis of design criteria
- Site survey
- Supplemental subsurface exploration
- Equipment selection and Preliminary Design
- Final Design
- Preparation of construction bidding and contract documents
- Regulatory review of construction documents
- Permitting of the proposed improvements
- Bidding assistance
- Contract administration
- Resident inspection
- Start-up assistance
- O&M Manual preparation
- Record drawing preparation
- Grant/Funding Assistance

D. Requirements for Qualification Statements

Qualification Statements submitted to the Town in response to this RFQ shall be limited to 50 single-sided or 25 double-sided pages and shall include the following information:

1. *Cover Letter*

2. *Firm Profile*

A general outline of the firm, including brief history, areas of practice/service, location of the office(s) of the firm, and the office from which this project would be completed. If a project team involving sub-consultants providing particular services is submitted, similar information on such additional firms is to be included.

3. *Project Understanding*

Include an outline of the project history and a description of the key project objectives moving forward. This section should include text defining the status of the various aspects of the project and the remaining work to be completed in each area.

4. *Project Approach and Schedule*

Provide a detailed description of your firm's approach to completing the project, including proposed scopes of work for preliminary design, final design, and construction phase services. Your approach should outline the specific steps to be taken and estimated timeframes. A separate schedule in Gantt chart format should be submitted, showing how your approach will comply with the Town's Corrective Action Plan schedule.

5. *Project Team and Resumes*

Provide a description of the project team proposed for the Newmarket project, including the names and relevant experience of key persons on the project team. Include proposed project manager/main client contact, project engineer(s), resident engineer/quality assurance inspectors, and other key team members. At a minimum, the Project Manager responsible for the design shall be a registered professional engineer in the State of New Hampshire. Individual resumes should be limited to two pages each.

6. *Project Related Experience and References*

Include a description of the experience of the firm and team on similar projects and emphasis shall be given to experience with Newmarket and the Town's water system. References shall be provided for a minimum of five clients for projects completed within the last five years. References preferably shall be from clients located in New Hampshire.

7. *Firm Performance*

Provide a statement describing what procedures your firm proposes to implement and follow to ensure a quality end product and successful project outcome in Newmarket. Consultants shall indicate if they have had any claims and/or lawsuits filed against their professional liability insurance within the last five years. A brief description shall be included for each occurrence. The Town reserves the right to request a copy of a "loss run results" report from each consultant.

8. *Rate Structure*

Firms shall submit an hourly rate schedule for the project team and shall identify how subconsultants are handled if/when utilized (i.e., mark-up). Do not submit hours or costs for the proposed scopes of work provided in Part 3. Additional increases in future years shall be identified, if any.

E. Available Information for Review

The following information and background documents may be reviewed, if desired, by appointment at the Newmarket WWTF. Contact Sean Greig - Water and Wastewater Superintendent, at (603) 659-8810.

- “Summary Letter 56-Day Water Quality Assessment and Pumping Program”, May 2010, Emery & Garrett Groundwater, Inc.
- “Preliminary Design Report MacIntosh Well Treatment Alternatives Analysis” September 2010”, Weston & Sampson Engineers
- “Pilot Study Report MacIntosh Well Treatment Alternatives” December 2012, Weston & Sampson
- NHDES Corrective Action Plan Approval Letter, June 15, 2012

F. Review of Qualification Statements

It is anticipated that after review and evaluation of submittals received in response to this RFQ, the Town of Newmarket will establish a short-list of up to three firms. These firms will be invited to participate in an interview for the project.

The Town of Newmarket will select the short list of firms based on the proposed project approach, relevant qualifications and experience of the firm, project team, project references, and related factors. Newmarket reserves the right to short-list firms which in Town's judgment, may potentially best serve the interests of the Town.

Generally, each Qualification Statement will be ranked according to the following criteria:

- a. Firm's experience successfully completing similar projects, which will include consideration of firm's references and reputation.
- b. Project Team member experience, which will include consideration of members' references and reputation.
- c. Understanding of the project requirements and the Town's needs.
- d. Familiarity with the Town of Newmarket and the Newmarket Water system.
- e. Description of project approach and scope of services.
- f. Quality of Qualification Statement.

G. Consultant Selection

It is the Town's intent to select a consultant based on the merits of the firm's Qualification Statement and interview. Qualifications packages and firm interviews will be scored and ranked. The firm that is ranked the highest will be notified of their selection and the Town will meet with the selected firm to negotiate a scope and fee for the work. Should the Town of Newmarket be unable to reach an agreement with the selected firm, they shall negotiate with the second ranked firm.

Note: Additional information may be requested from short-listed firms.

H. Anticipated Schedule

The following schedule is planned for retaining engineering services for implementation:

- Issue RFQ May 24th, 2013
- Receive Qualification Statements June 10th, 2013
- Short-list firms; issue Request for Interviews June 17th, 2013
- Interviews June 24th, 2013
- Select Firm/Commence Negotiations June 26th, 2013

I. Other

This RFQ does not commit the Town of Newmarket to paying any costs incurred by engineering firms in the submission or presentation of a qualifications package, or in making the necessary studies for the preparation thereof. By submitting to this RFQ, you are authorizing the Town to request any relevant information or ask any questions in order to make an informed decision. You further agree to release the Town from any liability in the review of the firm’s Qualification Statement and references.

If the review committee feels, at any time, that a firm’s Qualification Statement contains false or misleading statements, references, or any other matter which does not support a function, attribute, capability, or condition as stated by the firm or firms submitting, the submittal shall be rejected, regardless of the status or the phase of the selection process.

J. Reservation of Rights

The Town reserves the right to undertake such investigation as it deems necessary to evaluate the qualifications of the firm and to evaluate the qualifications of individual team members submitted. Firms may be requested to execute releases for information. Failure to provide a release upon request will result in disqualification.

The Town of Newmarket reserves the right to negotiate additional work including, but not limited to studies, design work, construction engineering services, and other related work.

The Town of Newmarket reserves the right to reject any or all statements of qualifications/proposals, to waive technical or legal deficiencies, and to accept any proposal that it may deem to be in the best interest of the Town and to negotiate the terms and conditions of any proposal leading to execution of a contract.

TOWN OF NEWMARKET, NEW HAMPSHIRE

**REQUEST FOR QUALIFICATIONS
Wastewater Treatment Facility Upgrade**

PROFESSIONAL ENGINEERING SERVICES

The Town of Newmarket, NH (Newmarket) is requesting Qualification Statements from professional engineering firms for upgrading the Creighton Street Pumping Station and the Newmarket wastewater treatment facility to comply with the Town's new NPDES discharge permit and Administrative Order by Consent. Firms will be asked to provide documentation on the following: firm profile, project understanding, project approach and schedule, project team and resumes, project related experience and references, firm performance, and rate structure. The Town anticipates reviewing qualifications and experience statements submitted in response to this RFQ, and subsequently inviting up to three (3) selected firms to interview for the project.

The project background, requirements for submittals, and related information will be furnished upon request. Questions regarding this RFQ may be directed to Sean Greig - Water and Wastewater Superintendent, at (603) 659-8810.

Qualifications and experience statements are due at the Town of Newmarket, Department of Public Works, 4 Young Lane, Newmarket, NH 03857 no later than 2:00 PM Monday, June 10th, 2013.

Town of Newmarket, New Hampshire
Request for Qualifications
Professional Engineering Services
Wastewater Treatment Plant Upgrade

A. Request for Qualifications (RFQ)

The Town of Newmarket, NH (Newmarket) is requesting Qualification Statements from professional engineering firms for upgrading the Creighton Street Pumping Station and the Newmarket wastewater treatment facility to comply with the Town's new NPDES discharge permit and Administrative Order By Consent. Firms will be asked to provide documentation on the following: firm profile, project understanding, project approach and schedule, project team and resumes, project related experience and references, firm performance, and rate structure. The Town anticipates reviewing qualifications and experience statements submitted in response to this RFQ, and subsequently inviting up to three (3) selected firms to interview for the project.

Qualifications and experience statements are due at the Town of Newmarket, Department of Public Works, 4 Young Lane, Newmarket, NH 03857 no later than 2:00 PM Tuesday, June 10th, 2013. Seven (7) hard copies and one digital copy of the RFQ shall be provided. Firms submitting must be listed on the State of New Hampshire – Department of Environmental Services' roster of prequalified engineers for all wastewater treatment categories.

B. Introduction

A study of water quality in Great Bay was performed by the NHDES in 2009 which noted high levels of Total Nitrogen in water samples taken from Great Bay. The Newmarket WWTF was identified as one of the larger point source contributors of nitrogen to the bay. As such, the NHDES and EPA issued a new NPDES discharge permit to the Newmarket WWTF in the Fall of 2012 with new stringent TN limits. The Town has negotiated a new Administrative Order by Consent (AOC) with the EPA that requires Newmarket to be meeting a TN limit of <8 mg/L within 5 years. A \$14.1M warrant article to upgrade the WWTF to meet 8 mg/L TN was approved by the voters in March 2013.

The goal of this project is to upgrade/convert the existing Newmarket trickling filter wastewater treatment facility (WWTF) to the 4-Stage Bardenpho process and upgrade the main sewer pumping station to allow the discharge from the facility to the Lamprey River to be in compliance with State and Federal discharge permit limits.

The proposed upgrade to the wastewater treatment facility includes maintaining treatment capacity for 0.85 MGD average daily flow (ADF) and accomplishing all upgrades within the existing fence line. Improvements are proposed to influent screening, grit treatment, secondary treatment, secondary clarification, disinfection, solids holding and solids dewatering systems.

It is important to note that current and pending funding packages are based on an approved *201 Facilities Plan Update Report* completed in 2011 by Underwood Engineers.

C. Engineering Services Required

The professional engineering services anticipated to be required by the Town of Newmarket during the project, and addressed in this RFQ, generally include but may not be limited to:

- Confirmation of basis of design criteria
- Site survey
- Supplemental subsurface exploration
- Equipment selection and Preliminary Design
- Final Design
- Preparation of construction bidding and contract documents
- Regulatory review of construction documents
- Permitting of the proposed improvements
- Bidding assistance
- Contract administration
- Resident inspection
- Start-up assistance
- O&M Manual preparation
- Record drawing preparation
- Grant/Funding Assistance

D. Requirements for Qualification Statements

Qualification Statements submitted to the Town in response to this RFQ shall be limited to 50 single-sided or 25 double-sided pages and shall include the following information:

1. Cover Letter

2. Firm Profile

A general outline of the firm, including brief history, areas of practice/service, location of the office(s) of the firm, and the office from which this project would be completed. If a project team involving sub-consultants providing particular services is submitted, similar information on such additional firms is to be included.

3. Project Understanding

Include an outline of the project history and a description of the key project objectives moving forward. This section should include text defining the status of the various aspects of the project and the remaining work to be completed in each area.

4. *Project Approach and Schedule*

Provide a detailed description of your firm's approach to completing the project, including proposed scopes of work for preliminary design, final design, and construction phase services. Your approach should outline the specific steps to be taken and estimated timeframes. A separate schedule in Gantt chart format should be submitted, showing how your approach will comply with the Town's Administrative Order by Consent schedule.

5. *Project Team and Resumes*

Provide a description of the project team proposed for the Newmarket project, including the names and relevant experience of key persons on the project team. Include proposed project manager/main client contact, project engineer(s), resident engineer/quality assurance inspectors, and other key team members. At a minimum, the Project Manager responsible for the design shall be a registered professional engineer in the State of New Hampshire. Individual resumes should be limited to two pages each.

6. *Project Related Experience and References*

Include a description of the experience of the firm and team on similar projects and emphasis shall be given to experience with Newmarket and the WWTF. References shall be provided for a minimum of five clients for projects completed within the last five years. References preferably shall be from clients located in New Hampshire.

7. *Firm Performance*

Provide a statement describing what procedures your firm proposes to implement and follow to ensure a quality end product and successful project outcome in Newmarket. Consultants shall indicate if they have had any claims and/or lawsuits filed against their professional liability insurance within the last five years. A brief description shall be included for each occurrence. The Town reserves the right to request a copy of a "loss run results" report from each consultant.

8. *Rate Structure*

Firms shall submit an hourly rate schedule for the project team and shall identify how subconsultants are handled if/when utilized (i.e., mark-up). Do not submit hours or costs for the proposed scopes of work provided in Part 3. Additional increases in future years shall be identified, if any.

E. Available Information for Review

The following information and background documents may be reviewed, if desired, by appointment at the Newmarket WWTF. Contact Sean Greig - Water and Wastewater Superintendent, at (603) 659-8810.

- "201 Facilities Plan Update", August 21, 2002, Underwood Engineers, Inc.
- "201 Facilities Plan Update", September 2011, Underwood Engineers, Inc.

- Town of Newmarket, NH WWTF NPDES Discharge Permit
- Town of Newmarket, NH WWTF 2013 Administrative Order By Consent

F. Review of Qualification Statements

It is anticipated that after review and evaluation of submittals received in response to this RFQ, the Town of Newmarket will establish a short-list of up to three firms. These firms will be invited to participate in an interview for the project.

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H. Anticipated Schedule

The following schedule is planned for retaining engineering services for implementation:

- | | |
|--|------------------------------|
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I. Other

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If the review committee feels, at any time, that a firm's Qualification Statement contains false or misleading statements, references, or any other matter which does not support a function, attribute, capability, or condition as stated by the firm or firms submitting, the submittal shall be rejected, regardless of the status or the phase of the selection process.

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The Town of Newmarket reserves the right to reject any or all statements of qualifications/proposals, to waive technical or legal deficiencies, and to accept any proposal that it may deem to be in the best interest of the Town and to negotiate the terms and conditions of any proposal leading to execution of a contract.



**Town of Newmarket, New Hampshire
Town Council Business Meeting
June 5, 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 #2012/2013-56 Authorizing the Town Administrator to Enter into an Amendment to the Agreement with the State of NH Regarding Exempting Social Security and Medicare Coverage from Election Workers

b. Ordinances and Resolutions in the 3rd Reading

c. Items Laid on the Table

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

Memorandum

Date: April 2, 2013

To: Steve Fournier, Town Administrator

From: Matt Angell, Interim Finance Director *MA*

Re: "Section 218" exemptions from Social Security

Steve,

The Town is bound by a 1955 agreement that was modified in 1970 to exclude certain covered wages from Social Security and Medicare coverage. Police and Fire are the most notable exclusion from Social Security and Medicare coverage, which is a direct result of their increased contributions to the NH Retirement System. However, the 1970 modification excluded election workers who made less than \$50 per quarter. In 1995, the exclusion was increased for the election workers to \$1,000, which the exclusion today is \$1,600. Because of the 1970 modification, the Town can not deviate from the \$50 per quarter exclusion unless it requests an amendment to exclude a higher amount. Many of the election workers who are affected by the 1970 modification are retirees that will not see benefits, if any, as a result of the withholding. Therefore, I recommend the Town Council approve the attached resolution and sign the appropriate documents to exclude election workers from Social Security and Medicare coverage for yearly earnings up to \$1,600.

Please request the Town Council to consider the attached resolution and sign both copies of the amendment to the 1955 agreement, which will increase the exclusion from \$50 per quarter to \$1,600 per year beginning on January 1, 2013.

TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council
Resolution #2012/2013-56

Authorizing the Town Administrator To Enter Into an Amendment to the Agreement with the State of New Hampshire Regarding Exempting Social Security and Medicare Coverage from Election Workers

WHEREAS, Pursuant to a 1955 agreement exempted certain covered employment groups from Social Security and Medicare coverage, such as Police and Fire; and

WHEREAS, the 1970 modification to the agreement excluded election workers who earned less than \$50 per quarter is still in effect despite the IRS's increase in the exclusion, which is \$1,600 per calendar year, and

WHEREAS, Pursuant to Section 3.13 of the Town of Newmarket's Charter, the Town Council has the authority to sign an amendment to increase the exclusion for election workers from \$50 per quarter to \$1,600 per calendar year.

NOW, THEREFORE BE IT RESOLVED, that Newmarket Town Council does hereby authorizes the Town Administrator to sign the amendment, which increases the exclusion for election workers from \$50 per quarter to \$1,600 per calendar year.

First Reading: May 1, 2013
Second Reading: June 5, 2013
Approval: June 5, 2013

Approved: Gary Levy, Chairman Newmarket Town Council

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

AMENDMENT to the AGREEMENT BETWEEN THE
STATE OF NEW HAMPSHIRE and the
TOWN OF NEWMARKET

In accordance with appropriate local authority date of meeting where vote occurred and with Chapter 101 of New Hampshire Revised Statutes Annotated as amended, the Town of Newmarket makes application to the Chief Financial Officer of the Department of Health and Human Services to amend the agreement executed between the Town of Newmarket the Commissioner of Public Welfare on January 1, 1955, to exclude from Social Security and Medicare coverage the services performed by election workers for a calendar year in which the remuneration paid for such services is less than \$1,600. Exclusion shall apply for the calendar year 2013 in which the remuneration paid for such services is less than \$1,600.

The effective date of this agreement will begin with services performed in the year in which the modification containing this amendment is forwarded to the Social Security Administration, and is shown below.

The \$1,600 limit on the excludable amount of remuneration paid in a calendar year for the services specified in this agreement will be subject to adjustment for calendar years after 2013 to reflect changes in wages in the economy without any further modification of the agreement, with respect to such services performed during such calendar years, in accordance with Section 218(c)(8)(B) of the Social Security Act.

Signature of Local Officials

The foregoing application or offer is approved and accepted by the New Hampshire Department of Health and Human Services.

Effective date: January 1, 2013

Stephen J. Mosher
DHHS Chief Financial Officer

AMENDMENT to the AGREEMENT BETWEEN THE
STATE OF NEW HAMPSHIRE and the
TOWN OF NEWMARKET

In accordance with appropriate local authority date of meeting where vote occurred and with Chapter 101 of New Hampshire Revised Statutes Annotated as amended, the Town of Newmarket makes application to the Chief Financial Officer of the Department of Health and Human Services to amend the agreement executed between the Town of Newmarket the Commissioner of Public Welfare on January 1, 1955, to exclude from Social Security and Medicare coverage the services performed by election workers for a calendar year in which the remuneration paid for such services is less than \$1,600. Exclusion shall apply for the calendar year 2013 in which the remuneration paid for such services is less than \$1,600.

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Signature of Local Officials

The foregoing application or offer is approved and accepted by the New Hampshire Department of Health and Human Services.

Effective date: January 1, 2013

Stephen J. Mosher
DHHS Chief Financial Officer

SSA website 3/1/2013

From January 1, 2013 forward, the Federal Insurance Contributions Act (FICA) tax exclusion for election officials and election workers is \$1,600 a calendar year, unless those wages are subject to Social Security and Medicare taxes under the State's Section 218 Agreement. Under Section 218 of the Social Security Act, many States have excluded from coverage election workers paid less than the threshold amount mandated by law. Therefore, Social Security and Medicare taxes do not apply until the election worker is paid \$1,600 or more.

Some State Agreements specify a lower threshold amount for election workers, e.g., \$50 a calendar quarter or \$100 a calendar year. In these States, the Social Security and Medicare tax applies when the amount specified in the State's 218 Agreement is met. States may modify the State's Agreement to exclude the services of election workers paid less than the threshold amount mandated by law. Such modifications are effective in the calendar year the modification is mailed or delivered to SSA.

If the State's Agreement does not have an election worker exclusion or the entity has a Section 218 Agreement that does not exclude election workers, Social Security and Medicare taxes apply from the first dollar paid. If the entity is not covered under a Section 218 Agreement, the rules for mandatory Social Security and Medicare under Section 210(a)(7)(F) of the Social Security Act apply.

The election worker threshold amount for each calendar year **beginning 2013 and going forward is \$1,600.** For calendar years 2009 through 2012, the threshold amount was \$1,500. The election worker threshold amount was \$1,400 for calendar year 2008, and \$1,300 for 2006 and 2007. The threshold amount for calendar years 2002 through 2005 was \$1,200 and was \$1,100 for 2000 and 2001. The threshold amount was \$1,000 for years 1995 through 1999. For years 1978 through 1994, the threshold amount was \$100 for a calendar year. For years 1968 through 1977, the threshold amount was \$50 a calendar quarter.

To: H. B. 100

**MODIFICATION NUMBER 129 TO NEW HAMPSHIRE STATE
SOCIAL SECURITY AGREEMENT**

The Secretary of Health, Education, and Welfare and the State of New Hampshire, acting through its representative designated to administer its responsibilities under the agreement of December 27, 1951, hereby modify said agreement with respect to the following political subdivisions effective as of the effective date specified herein to exclude the following services:

Services performed by election officials or election workers for each calendar quarter in which the remuneration paid for such services is less than \$50.

<u>TOWNS</u>	<u>MODIFICATIONS</u>
Atkinson	12
Barrington	18
Boscawen	28
Center Harbor	44
Danbury	8
Durham	2
Fitzwilliam	14
Grafton	111
Greenfield	61
Kensington	18
Lee	29
Loudon	14
New Durham	6
New London	2
Newington	87
Newmarket	23
Pembroke	2
Peterborough	1
Salisbury	6
Shelburne	61
Sunapee	23
Warren	7
Westmoreland	3
Woodstock	18
<u>CITY</u>	
Manchester	39

Effective date of exclusion: September 30, 1970.

Approved for the State of New Hampshire this 24th day of September, 1970.

George E. Murphy
GEORGE E. MURPHY, ACSW
Director
RECEIVED

Approved this 7th day of October 1970.

Secretary of Health, Education and Welfare

By:

Idella Hardy

Idella Hardy, Director
Division of Coverage
Bureau of Retirement & Survivors Insurance
Social Security Administration

CERTIFICATION CONCERNING OLD AGE AND SURVIVORS
INSURANCE COVERAGE

This is to certify that the following article concerning Old Age and Survivors Insurance coverage was adopted at the annual meeting of the Town/~~Precinct~~ of Newmarket on March 10, 1970.

(Copy article exactly as it appeared in the warrant and give any amendments adopted in the meeting.)

Article 10. To see if the Town wishes to exclude from the plan service in any class or classes of positions of election officials or election workers for a clalendar quarter in which the remuneration paid for such service is less than Fifty Dollars (\$50.00).

OFFICIAL SEAL

(Signature)

William A. Speliga
Town Clerk
~~Precinct Clerk~~

July 10, 1970
Date

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
June 5, 2013 7:00 p.m.
Council Chambers**

6. New Business/Correspondence

a. Town Council to Consider Nominations, Appointments and Elections

- i. Strafford Regional Planning Commission –Planning Board Alternate – Term Expires March 2016 Candidate: Janice Rosa
- ii. Zoning board of Adjustment – Alternate Position Term Expires March 2016
Candidate: Brett Johnson

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

- 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 #2012/2013-61 Approving the Codification of Town Ordinances(**TA Request to Suspend Rules**)
- vi. Resolution #2012/2013-62 Year End Budget Transfer for FY 2013(**TA Request to Suspend Rules**)

- vii. Resolution #2012/2013-63 Contract for the Lamprey River Macallen Dam Removal Feasibility and Impact Analysis
- viii. Resolution #2012/2013-64 Withdrawal of \$100,000 from the Municipal Transportation Fund for the Purpose of Road Maintenance
- ix. Resolution #2012/2013-65 Authorizing a Lot Line Adjustment and access Easements for Heron Point Sanctuary (Wajda Family Trust)

c. Correspondence to the Town Council

d. Closing Comments by Town Councilors

7. Adjournment

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

ALTERNATE (SRPC)

Appointee: JANICE ROSA

Mailing Address: 340 Wadleigh Falls Road, Newmarket, NH 03878

Phone Number: (603) 659-5398

Email: Janardye@comcast.net

Expiration Date: March, 2016

Appointee: _____

Mailing Address: _____

Phone Number: _____

Email: _____

Expiration Date: _____, 20

Appointing Official:
Date:

Appointing Official:
Date:

Appointing Official:
Date:

RECEIVED

MAY 31 2013

TOWN OF NEW MARKET
ADMINISTRATOR'S OFFICE



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

Applicant's Name: Brett Alan Johnson

Address: 125 Main St #61 Phone/Cell (603) 944-7479

RSA 669:19 Newmarket Registered Voter: Yes No # of Years as Resident: 7
RSA 91:2 Are you an American Citizen? Yes No

Email address: brett59j@yahoo.com

Full membership (3 year term) position applying for _____

State what the new term expiration date is: _____

Alternate position (3 year term) position applying for Zoning Board of Adjustment

State what the new term expiration date is: 2016

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

I successfully served on the Town Administrator Search committee in 2012.

As a group, we were able to sort through all of the many qualified applicants

in order to gain a consensus of three people to present to the full

Town Council my work requires me to work cooperatively with people (please see back)
(need more room, please use the back)

Brett A. Johnson
Signature

5/31/13
Date

You are welcome to submit a letter or resume with this form. Applicants are requested to attend the Council meeting to address the Town Council prior to the decision making process. Applicants will be notified of the time and date of this meeting in advance. Thank you for your application and interest in the Town of Newmarket.

on many different levels within an organization. I believe I can use this asset very well in working with the members on the Zoning Board of Adjustment. I can also use this asset to work in an unbiased way in listening to the people who have asked to come in front of the ZBA.

Brett A. Johnson

Rivermoor Landing
125 Main St. #61
Newmarket, NH 03857
(603) 944-7479

WORK EXPERIENCE

New England and New York Territory Sales Manager Clow Valve Company, Oskaloosa, IA September 2002-present

- Manage annual sales of over \$4 million
- Maintain positive work relationships with over 40 distribution customers
- Teach water distribution certification classes to public municipal employees and engineers
- Network with industry leading distributors, engineers, contractors and municipal employees
- Work with City Councils, City Administrators, Public Works Department Personnel, Engineers, Contractors, and Consultants to gain product acceptance

PROFESSIONAL ORGANIZATIONS

New England Water Works Association Sponsor Services Committee

- Recruit sponsors to help fund organizational events and training seminars
- Strengthen the image of the organization by networking with industry leading companies

New England Water Works Association Young Professionals Committee

- Recruit young industry professionals to join the organization
- Promote the long term benefits of the association to young industry professionals

EDUCATION

**Bachelor of Business Administration
University of Iowa, Iowa City, IA. May 2002**

CIVIC AND VOLUNTEER WORK

Race Committee Member

**"Run in the Sun" 5K Road Race to Benefit the Mahaska Health Partnership Hospice
Serenity House in Oskaloosa, Iowa. Held Annually in July from 2011-Present**

Dog Walker and Special Events Volunteer

New Hampshire Society for Prevention of Cruelty to Animals January 2011-Present

Town of Newmarket Administrator Search Committee January 2012-April 2012

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:
Approval:

Approved: Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____
Becky I. Benvenuti, 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-l: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 Carragher, Purchasing Agent
Tel: 603 271-3146
Email: Melanie.Carragher@nh.gov

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

See Contract for
more detail

Aggregate	Location	Vendor	
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
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:
Approval:

Approved: Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____
Becky I. Benvenuti, 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

Linda 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
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:

Approval:

Approved: Gary Levy, Chairman Newmarket Town Council

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

2002 SERIES E NON GUARANTEED - AFTER 2010 SERIES A REFUNDING

20 YEAR DEBT SCHEDULE FOR

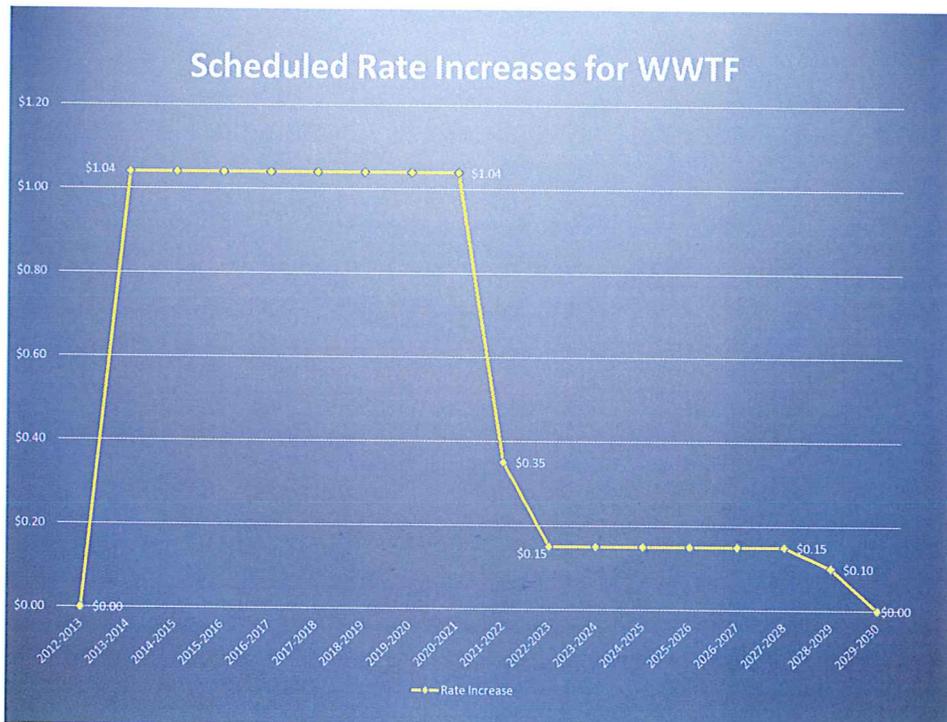
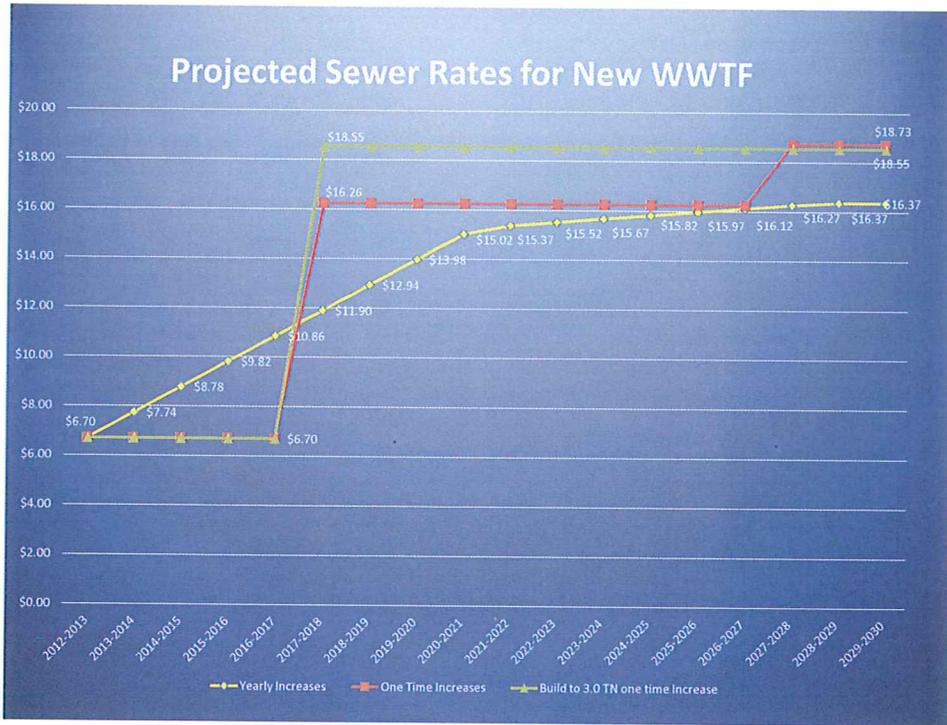
TOWN OF NEWMARKET - Downtown TIF

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

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

By the Newmarket Town Council

Resolution #2012/2013-61

Authorizing the Town Administrator to Enter Into an Agreement with Municipal Code Corporation (a/k/a "MuniCode") of Tallahassee Florida for the Codification of the Town Ordinances

WHEREAS Section 3.11 of the Town Charter requires the Town Council to codify the Town ordinances adopted, and

WHEREAS the Town Clerk - Tax Collector secured four proposals from various companies to provide codification services, and

WHEREAS the Town Council appropriated funds in the FY2014 operating budget for such services, and

WHEREAS it is in the opinion of the Town Clerk - Tax Collector and the Town Administrator that Municode of Tallahassee, Florida submitted a proposal that is most advantageous to the Town.

NOW THEREFORE LET IT BE RESOLVED that the Newmarket Town Council does hereby authorize the Town Administrator to enter into an agreement with Municipal Code Corporation (a/k/a "MuniCode") of Tallahassee Florida for an amount not to exceed \$15,950 to codify the Town Ordinances.

First Reading Date: June 5, 2013

Second Reading Date:

Final Action by Council:

Approved: _____

Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____

Becky I. Benvenuti, Town Clerk

INFORMATION
RE.
TOWN COUNCIL RESOLUTION FOR MUNICIPAL CODIFICATION

- Requests for Proposal were sent to the 4 (four) major codification publishers in the Country
 - American Legal Publishing Corp.
 - Code Publishing
 - General Code
 - Municipal Code Corporation
- Proposals were received by April 11, 2013, from all 4 publishers, guaranteeing pricing for 120 days
- A detailed comparison of each proposal was completed, including, but not limited to:
 - Base Costs
 - Annual Costs and Annual Supplementation Service
 - Ease of uploading files to their FTP or similar sites
 - Availability and cost of on-site conference(s)
 - Electronic viewing features
 - Bound hard copies of code
 - Years of experience/Staff Credentials/Size of Firm/Financial Stability
 - Legal analysis service
 - Schedule of Receiving Final Code
 - Additional options (policies & procedures and public documents modules)
 - Number of municipalities serviced in NH and Northeast
- Additional information and cost/benefit enhancements were sought on each proposal
- References were obtained from municipalities within and outside of New Hampshire
- Costs were proposed as follows:
 - American Legal Publishing
 - Base Cost: \$12,095
 - Based on 500 pages; +/- \$18/page for any increase or decrease)
 - Annual Cost
 - \$690 plus \$18/page for supplements
 - Code Publishing
 - Base Cost: \$9,620
 - Based on 350 pages; +/- \$10/page for any increase or decrease

- General Code
 - Base Cost: \$15,300
 - Based on 800 pages – price is fixed regardless of actual pages.
 - Annual Cost
 - \$1,195 plus \$21/page for supplements
- Municipal Code Corporation (a/k/a “MuniCode”)
 - Base Cost: \$15,950
 - Based on 1,000 pages; +/- \$18/page for any increase or decrease
 - Annual Cost
 - \$ 550 plus \$18/page for supplements
- After considering all factors, it is recommended the Town of Newmarket enter into a contract with the following publisher to provide a recodification of the Town’s ordinances:
 - Municipal Code Corporation (a/k/a “MuniCode”)
 - FYE 6/30/14 - Base Cost: \$15,950 +/- \$18 page (based on 1,000 pages)
 - Annual costs would be waived for first year after code is completed.

Comparison - Proposals for Municipal Codification				
	American Legal Publishing Corp.	Code Publishing	General Code	Municipal Code Corporation
Ease of Uploading Files	excellent	poor	excellent	excellent; prefer WORD
Charge for On-Site Conference	Teleconference; travel fees otherwise	Teleconference only	Teleconference; onsite conf. cost?	1 Onsite w/Town Atty Included
Base Price - Through 1st Year	\$11,400 (based on 500 pgs, sgl col 10 pt; +/- \$18/page under/over) plus S/H	\$9,620 (\$19.50/pg based on 350 pages, sgl col; \$10/page; supplements \$10/page)	\$15,300 (no page limit; not to exceed) Based on 800+/- pgs	\$15,950 (1,000 pgs, sgl col, 10pt--/-\$17/pg under/over); not to exceed \$18,500
Electronic Viewing	FOLIO View (Windows; not MAC)	Many options; MANY COSTS	Premium eCode360	Web Hosting
Electronic - Base Price	\$695 - For "Folio Views" Convert. \$50 for ea. Addl. Read license \$60 for ea. Addl. CD	Included	Included	Included
Electronic - Annual Cost	\$495/yr (1st yr free)	\$350 (2 yrs free)	\$1,195 (1st yr free)	\$550* (1st yr free) *\$700 w/code bank hist
Additional Content (Admin Regs, Policy & Proc, Forms)	\$18/page sgl col; \$21/page dbl col	?	PubDocs (incl in Prem. eCode360)	\$250/yr
Margin Width of Actual Code	1.2" L, R	1.2" L, 1.65" R	1.5" L; 1.1" R	1.5" L; .5" R
Ability to search other codes hosted by Code Company	Search all hosted codes - no charge	?	http://www.generalcode.com/codification/eCode360Library	\$495/yr. MuniPro - (During codification project + 3 yrs free)
Sample Legislation Service	No Charge		No Charge	?
Printing, Binding & Shipping - 20 Hard Copies	Included	2,675 (25 copies)	Included (20 copies)	Included (20 copies)
Pre-Supplement Posting	\$10/ordinance	was not addressed	included in eCode Annual Cost	\$25 / Ordinance ("NOW")
Supplement to Code	\$18/page sgl col; \$21/page dbl col	\$22.95/page	Est. \$1,800/yr (labor, materials, editing, proof, binding, S/H, etc.)	\$18/page sgl col (editorial, proofread, indexing, printing 20 copies) Other addl. avail.
Code Supplement - Electronic Cost	\$195 annual; \$150 semiannual		5/20/13 CHANGE: \$21/page (all inclusive) included in eCode Annual Cost	Included in base page rate
PubDocs Module (resolutions, minutes, prop. Ordinances)	\$18/page sgl col; \$21/page dbl col	Many options; MANY COSTS	Included	\$450/yr
Email link	Included	Many options; MANY COSTS	Included	Included
Searching with key words	Included	Many options; MANY COSTS	Included	Included
MultiView Tech. (Windows, Apple, Smartphones, Tablets & eReaders)	Windows only; no frames/mobile	Included	Included	Included
Preliminary Conference			telephone w/in 30 days	MuniCode atty assigned/legal begin
Submission of Analysis	?		90 days ¹ Organizational Analysis	90-120 days - Legal Analysis
Review of Analysis by Town	?		30 days ²	60-90 days
Submission of Manuscript, Editorial & Legal Analysis	?		145 days ³	Includes legal analysis
Review w/Legal Rep. &/or Town Staff/Atty.	Optional - travel exp. Required		110 days for Town to review	Included - On Site w/atty.
Submission of Draft/Proofs	120-160 days		120 days	30-60 days
Review of Draft by Town			30 days ⁴	30-45 days
Delivery of Code volumes & eCode	90 days from approval		45 days ⁵ from approval	30-60 days from approval
Earliest Possible Completion Date	Guaranteed 9- months		9+ months	9+ months
Provide Model Ordinances? - Charge?	Yes - n/c	??	Yes - n/c	?
Payment	3: 40%, 40%, balance		5: 20% pmts (1-5 above)	3: 30%, 25%, 25%
# of Customers in NH	1 (Manchester)	0	5 References (Bedford, Merrimack, Nashua, Wolfeboro, Hillsborough); 5 Others (Derry, Franklin, Hudson, Lebanon, Raymond)	5 References (Claremont, Concord, Keene, Meredith, Old Orchard Beach)
# of Customers in Northeast	9	1 (Burlington, VT)	Many	Many
# of Years Experience	80 years - Codification Div. of Anderson Publishing Co.; Separate corp. in 1979	23 years "largest codifier in West"	50 years - "broad experience"	60 yrs (Acquired LexisNexis)
# of Staff	35, incl 15 law degrees	16, incl 1 law degree	100, incl 2 law degrees	; inc 7 law degrees w/20 avg 20 yrs exper
# of Years - PRICE GUARANTEE	5 year price guarantee			
Strengths				Largest Codifier in Country Large, experienced staff of attorneys
Weaknesses				
SUMMARY OF REQUIRED SERVICES				
BASE COST	\$12,095	\$9,620	\$15,300	\$15,950
PROPOSED BASE COST # OF PAGES	500 pages	300 pages	800 pages	1,000 pages
** If final code is 800 pages, cost will be: **	\$17,495	\$19,370	\$15,300	\$12,550
ANNUAL COSTS - Electronic Code (First Year Free)	\$690	\$350	\$1,195	\$550
ANNUAL COSTS - Supplements	\$18/page	\$22.95/page	\$21/page	\$18/page
TOTAL REQUIRED SERVICES	\$30,280	\$29,340	\$31,795	\$29,050
SUMMARY OF OPTIONAL DESIRED SERVICES				
(Admin Regs., Policies & Procedures)	\$18 page		\$0	\$250

TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council
Resolution #2012/2013-62
Year End Budget Transfer for Fiscal Year 2013

WHEREAS, the Town of Newmarket diligently forecasts its appropriation; however, unforeseen expenditures require moving line-item budgets from one to another.

WHEREAS, movement of line-items are pursuant to the attached schedule and with some having a brief explanation of the over expenditure, and

WHEREAS, pursuant to RSA 32:10, the Town Council has authority to “transfer to [the aforementioned] appropriation[s] [from] an unexpended balance remaining in some other appropriation,” and

NOW THEREFORE BE IT RESOLVED, that the Newmarket Town Council does hereby approve the appropriation transfers pursuant to the attached schedule.

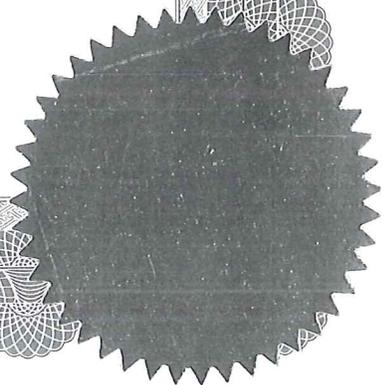
First Reading Date: June 5, 2013

Second Reading Date: June 5, 2013

Final Action by Council: June 5, 2013

Approved: _____
Gary Levy, Chairman Newmarket Town Council

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



Town of Newmarket, NH
Proposed line-item transfers
For Year-end 2013

	Estimate Available/(Overspent)	Transfer (out)/in	Remaining Budget
Source:			
01-401-190-0000 TC - TRAINING	240.00	(240.00)	-
01-402-101-0000 TA - FULL TIME SALARIES	18,636.79	(10,000.00)	8,636.79
01-402-190-0000 TA - TRAINING/STAFF DEV	1,603.42	(1,000.00)	603.42
01-402-501-0000 TA - PRINTING/PUBLISHING	2,027.65	(2,000.00)	27.65
Note: Most of the funds will remain with the department.			
01-403-103-0000 FINANCE - PART TIME SALARIES`	13,114.74	(12,000.50)	1,114.24
Note: Reduction in staff.			
01-403-310-0002 FINANCE - DUES/SUBSCRIPTIONS	300.00	(300.00)	-
01-403-402-0000 FINANCE - EQUIPMENT MAINTENANCE	600.00	(600.00)	-
01-403-703-0000 FINANCE - AUDIT	7,000.00	(7,000.00)	-
Note: Budget exceeded audit fee.			
01-404-198-0000 EMP BEN - LONGEVITY	1,800.00	(1,800.00)	-
Note: Employee terminations.			
01-404-504-0006 EMP BEN - PROPERTY LIABILITY INSURANCE	1,933.65	(1,933.65)	(0.00)
01-405-103-0000 TC/TC - PART TIME SALARIES	3,029.90	(2,000.00)	1,029.90
01-405-201-0000 TC/TC - POSTAGE	6,710.15	(5,000.00)	1,710.15
01-405-310-0002 TC/TC - DUES/SUBSCRIPTIONS	183.88	(100.00)	83.88
01-405-310-0003 TC/TC - ADVERTISING	200.00	(200.00)	-
01-405-310-0070 TC/TC - ELECTION/REGISTRATION	796.09	(700.00)	96.09
01-405-402-0000 TC/TC - EQUIPMENT MAINTENANCE	740.40	(700.00)	40.40
01-405-800-0000 TC/TC - EQUIPMENT PURCHASE	1,000.00	(1,000.00)	-
Note: This is mostly a reclass within the department that will be used for salaries and postage.			
01-407-103-0000 CODE - PART TIME SALARIES	10,448.96	(10,000.00)	448.96
Note: Primarily due to a vacancy.			
01-408-315-0038 DIR ASSIST - FOOD	3,200.00	(3,200.00)	-
01-408-315-0039 DIR ASSIST - RENT	45,000.00	(45,000.00)	-
01-408-315-0040 DIR ASSIST - ELECTRICITY	7,000.00	(7,000.00)	-
01-408-315-0041 DIR ASSIST - HEAT	8,000.00	(8,000.00)	-
01-408-315-0042 DIR ASSIST - MEDICAL	8,000.00	(8,000.00)	-
Note: Usage of welfare assistance is down.			
01-409-103-0000 ASSESS - PART TIME SALARIES	16,799.42	(16,000.00)	799.42
Note: Assessing services have been contracted out; however, a portion will be used for the department.			
01-448-303-0441 BLD/GRNDS - HEAT & OIL - YOUNGS LANE	13,196.67	(4,300.00)	8,896.67
01-413-202-0000 CON COMM - GENERAL SUPPLI	40.00	(40.00)	-
01-418-950-0000 DEBT SER - PRINCIPLE	136,000.00	(136,000.00)	-
Note: This is a reclassification for financial reporting purposes.			
01-418-951-0000 DEBT SER - INTEREST	2,782.74	(2,782.74)	-
01-420-103-0000 MIS - PART TIME SALARIES	2,668.50	(2,668.50)	-
01-420-407-0000 MIS - SOFTWARE MAINT	8,000.00	(8,000.00)	-
Note: Software maintenance was paid at the end of FY 2012.			
01-438-101-0000 POLICE - FULL TIME SALARIES	47,380.62	(34,760.00)	12,620.62
Note: Primarily due to vacancies.			
01-438-402-0000 POLICE - EQUIP MAINTENANCE	11,420.93	(11,000.00)	420.93
Note: There is a change in account definition, where the funds are moving to Police - Equipment Lease, below.			
01-441-106-0000 PW ADMIN. - LABOR SALARIES	41,519.53	(39,100.00)	2,419.53
Note: Primarily due to vacancies.			
01-442-208-0000 RDWY/SWK - WINTER SAND	4,167.42	(4,100.00)	67.42
01-452-214-0000 VEHICLE - OIL	1,792.78	(1,000.00)	792.78
		<u>(387,525.39)</u>	
Use:			
01-401-202-0000 TC - GENERAL SUPPLIES	(234.02)	234.02	-
01-402-103-0000 TA - PART TIME SALARIES	(1,106.37)	1,106.37	-
01-402-310-0002 TA - DUES/SUBSCRIPTIONS	(2,526.69)	2,600.00	73.31
01-402-310-0003 TA - ADVERTISING	(3,869.67)	4,900.00	1,030.33
01-402-402-0000 TA - EQUIPMENT MAINTENA	(893.54)	900.00	6.46
01-403-101-0000 FINANCE - FULL TIME SALARIES	(751.31)	800.00	48.69
Note: This is the result of reorganizing the department by making an employee full-time.			
01-404-150-0000 EMP BEN - FICA	(8,743.10)	8,800.00	56.90
01-404-151-0000 EMP BEN - MEDICARE	(3,541.20)	3,600.00	58.80
01-404-152-0000 EMP BEN - PRE-EMPLOYMENT TESTING	(2,034.22)	2,100.00	65.79
01-404-155-0000 EMP BEN - HEALTH INSURANCE	(22,504.60)	22,600.00	95.40

	Estimate Available/(Overspent)	Transfer (out)/in	Remaining Budget
01-404-156-0000 EMP BEN - NH RETIREMENT	(32,393.50)	33,000.00	606.50
01-404-160-0000 EMP BEN - WORKERS COMPENSATION	(23,808.60)	24,000.00	191.40
Note: Employee benefits were generally underfunded.			
01-405-101-0000 TC/TC - FULL TIME SALARIES	(5,723.83)	5,800.00	76.17
Note: This is the result of accruing an estimated amount of wages for year-end.			
01-405-201-1000 TC/TC - SPECIAL POSTAGE	(5,687.94)	5,700.00	12.06
Note: This is a new account to help track the mailing of motor vehicle bills and lien notices.			
01-407-101-0000 CODE - FULL-TIME SALARIES	(488.22)	500.00	11.78
01-407-202-0000 CODE - GENERAL SUPPLIES	(27.96)	30.00	2.04
01-408-202-0000 DIR ASSIST - GENERAL SUPPLIES	(185.06)	200.00	14.94
01-408-315-0043 DIR ASSIST - MISCELLANEOUS	(2,400.00)	2,400.00	-
01-409-101-0000 ASSESS - FULL TIME SALARIES	(159.50)	160.00	0.50
01-409-191-0000 ASSESS - MILEAGE	(313.08)	350.00	36.92
01-409-407-0000 ASSESS - SOFTWARE	(400.00)	400.00	-
01-409-702-0000 ASSESS - PROPERTY APPRAISER	(1,200.00)	1,200.00	-
01-410-602-0000 LEGAL - LEGAL EXPENSES	(23,871.04)	24,000.00	128.96
Note: Expected legal costs will exceed budget.			
01-413-310-0002 CON COMM - DUES/SUBSCRIPT	(40.00)	40.00	-
01-421-103-0000 CHANNEL 13 PART TIME SALARIES	(764.40)	765.00	0.60
01-421-202-0000 CHANNEL 13 MISC EQUIPMENTS	(1,377.14)	1,400.00	22.86
Note: For equipment failures.			
01-438-102-0000 POLICE - OVERTIME	-	2,000.00	2,000.00
01-438-209-0000 POLICE - GASOLINE	(488.49)	500.00	11.51
01-438-410-0000 POLICE - EQUIPMENT LEASE	(7,294.42)	11,000.00	3,705.58
Note: Equipment lease is a change in definition and useage of Police accounts.			
01-442-202-0000 RDWY/SWK - GENERAL SUPPLIES	(224.02)	225.00	0.98
01-442-205-0000 RDWY/SWK - WINTER SALT	(22,657.01)	23,000.00	342.99
01-442-213-0000 RDWY/SWK - PAVEMENT MARKING	(1,912.40)	2,000.00	87.60
01-442-516-0000 RDWY/SWK - CONTRACT WINTER EQU	(8,635.00)	8,635.00	-
01-442-527-0000 RDWY/SWK - CURBSIDE WEED CONTR	(950.00)	950.00	-
Note: Heavier snowfall than budgeted.			
01-448-101-0000 BLD/GRNDS - FULL-TIME SALARIES	(471.38)	500.00	28.62
01-448-102-0000 BLD/GRNDS - OVERTIME	(1,534.62)	1,550.00	15.38
01-448-303-0000 BLD/GRNDS - HEAT & OIL - TOWN HALL	(6,522.34)	7,000.00	477.66
01-448-304-0000 BLD/GRNDS - WATER/SEWER TOWN HALL	(1,858.85)	2,000.00	141.15
01-448-304-0438 BLD/GRNDS - WATER/SEWER - POLICE	(20.30)	25.00	4.70
01-448-401-0110 BLD/GRNDS - YOUNGS LANE MAINT	(1,827.31)	1,900.00	72.69
01-448-533-0000 BLD/GRNDS - MOSQUITO CONTROL	(3,600.00)	3,600.00	-
01-448-401-0438 BLD/GRNDS - POLICE BUILDING MAINTENACE	(5,285.62)	5,300.00	14.38
01-448-405-0000 BLD/GRNDS - GROUNDS MAINTENANCE	(5,364.14)	5,400.00	35.86
Note: Higher heating costs than budgeted.			
01-449-101-0000 CEM - FULL TIME SALARIES	(608.45)	610.00	1.55
01-449-302-0000 CEM - ELECTRICITY	(138.14)	140.00	1.86
01-449-402-0000 CEM - EQUIPMENT MAINT	(194.44)	200.00	5.56
01-452-209-0000 VEHICLE - GASOLINE	(6,252.69)	6,300.00	47.31
01-461-102-0000 FIRE/RES - OVERTIME	(3,076.49)	3,100.00	23.51
01-461-103-0000 FIRE/RES - PART TIME SALARIES	(2,256.47)	2,300.00	43.53
01-461-193-0000 FIRE/RES - UNIFORMS	(584.89)	600.00	15.11
01-461-209-0000 FIRE/RES - GASOLINE	(362.85)	370.00	7.15
01-461-220-0000 FIRE/RES - AMBULANCE EXPENSES	(7,868.22)	7,900.00	31.78
01-461-301-0000 FIRE/RES - COMMUNICATION SERVICES	(3,152.65)	3,200.00	47.35
01-461-800-0000 FIRE/RES - EQUIP PURCHASE	(32.41)	35.00	2.59
Note: Fire costs have been underbudgeted for the past few years.			
01-481-924-0000 SS GRANTS - ROCKINGHAM COUNTY NUTR	(3,600.00)	3,600.00	-
Note: Payment made to Rockingham County Nutrition.			
01-700-000-3054 TRANSFER TO PW/FIRE CAPITAL PROJECT	(136,000.00)	136,000.00	-
Note: This is a financial reporting reclass.			
		387,525.39	

TOWN OF NEWMARKET, NEW HAMPSHIRE

By the Newmarket Town Council

Resolution # 2012/2013-63

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that

- 1) The Town Council hereby votes to accept the grant in the amount of \$40,000 from the Conservation Law Foundation.

- 2) The Newmarket Town Council does hereby approve the signing of a contract with Gomez and Sullivan in the amount of \$82,389 the funding to be from:

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

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

Approved: _____
Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____
Becky I. Benvenuti, 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

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 (QAQC 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
NH EST 600030709-01-01	Lamprey River North	Fish Consumption	Polychlorinated biphenyls
NH EST 600030709-01-01	Lamprey River North	Primary Contact Recreation	Chlorophyll-a, Nitrogen (Total)
NH EST 600030709-01-01	Lamprey River North	Shellfishing	Dioxin (including 2,3,7,8-TCDD), Polychlorinated biphenyls
NH EST 600030709-01-02	Lamprey River South	Aquatic Life	Chlorophyll-a, Estuarine Bioassessments, Light Attenuation Coefficient, Nitrogen (Total)
NH EST 600030709-01-02	Lamprey River South	Fish Consumption	Polychlorinated biphenyls
NH EST 600030709-01-02	Lamprey River South	Primary Contact Recreation	Chlorophyll-a, Nitrogen (Total)
NH EST 600030709-01-02	Lamprey River South	Shellfishing	Dioxin (including 2,3,7,8-TCDD), Polychlorinated biphenyls
NH IMP 60030708-03	Piscassic River	Aquatic Life	Dissolved oxygen, Dissolved oxygen saturation, pH
NH IMP 60030709-03	Lamprey River - Macallen Dam Impoundment	Aquatic Life	pH
NH RIV 60030708-07	Piscassic River, PWS, CLS-A	Aquatic Life	Dissolved Oxygen, pH
NH RIV 60030709-09	Lamprey River	Aquatic Life	pH

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.

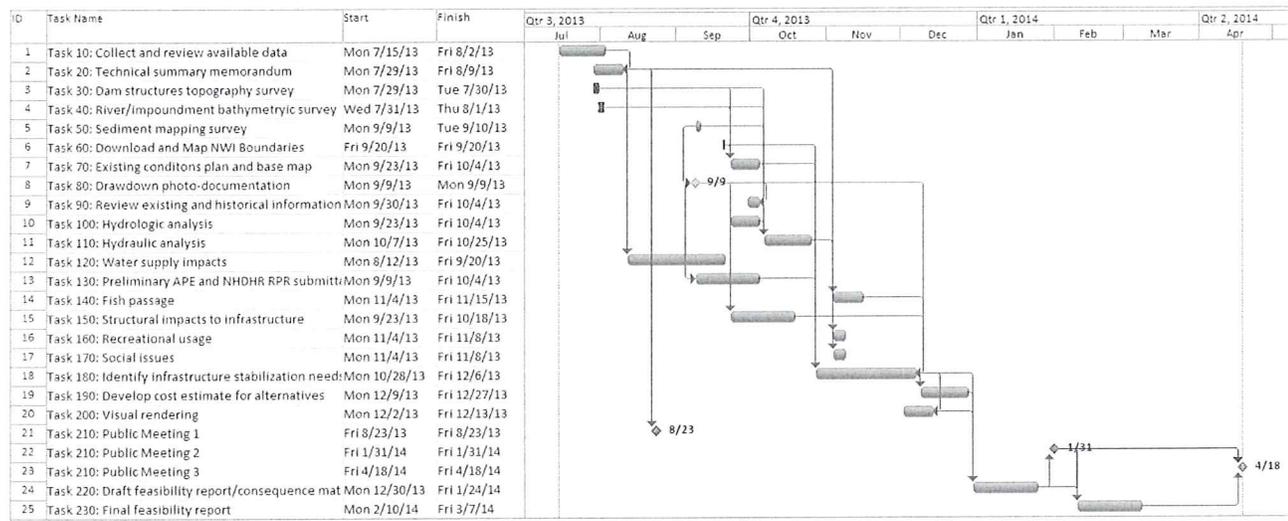
Project Management & Communication

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	Hoyie, Tanner & Associates	
	Existing Data Collection and Review													
10	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							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	16			\$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			\$844
150	Structural impacts to infrastructure					2				\$190	\$0		\$5,060	\$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			\$7,904	\$50			\$7,954
190	Visual rendering						16			\$1,504	\$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	\$3,582	\$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</u> ⁽¹⁾
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
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:
Final Town Council Approval:

Approved: _____
Gary Levy, Chairman Newmarket Town Council

A True Copy Attest: _____
Becky I. Benvenuti, 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

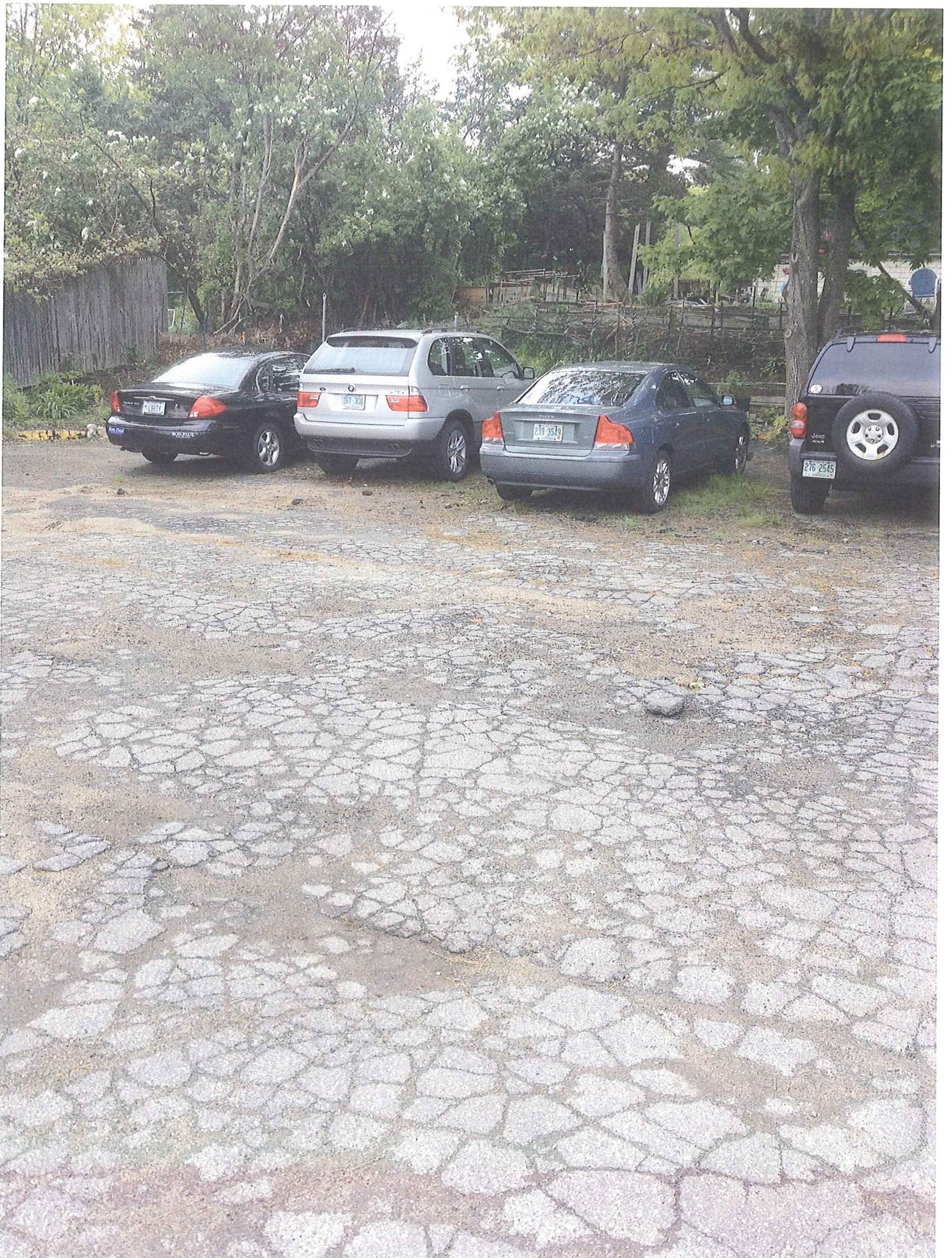
Signature

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

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:

Approval:

Approved: Gary Levy, Chairman Newmarket Town Council

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