



TOWN OF NEWMARKET, NEW HAMPSHIRE

Town Council Agenda

Wednesday, December 18, 2019, 6:30 PM
NEWMARKET TOWN HALL CHAMBERS

**6:30PM Town Council Workshop - Southeast Land Trust (S.E.L.T.) Purchase of the
Clarke Farm Property Discussion.**

- 1. Pledge of Allegiance**
- 2. Public Forum**
- 3. Public Hearing**
- 4. Town Council to Consider Acceptance of Minutes**
 - a. November 20, 2019 Joint Council/PB Meeting Minutes
 - b. November 20, 2019 Meeting Minutes
 - c. December 4, 2019 Meeting Minutes
- 5. Report of the Town Administrator**
 - a. Town Administrator's Report
 - b. Department Reports
- 6. Committee Reports**
- 7. Old Business**
 - a. **Resolutions/Ordinances in the 2nd Reading**
 - i. **Resolution #2019/2020-14 - Downtown TIF Transfer of CIP Funds**
Accept a Motion to Approve Resolution #2019/2020-14 Downtown TIF Transfer of CIP Funds.
 - ii. **Resolution #2019/2020-15 - Moody Point Association Agreement**
Accept a Motion to Approve Resolution #2019/2020-15 - Moody Point Association Agreement.
 - iii. **Resolution #2019/2020-16 - MacIntosh & Tucker Wells Water Treatment Plant**
Accept a Motion to Approve Resolution #2019/2020-16 - MacIntosh & Tucker Wells Water Treatment Plant.

iv. **Resolution #2019/2020-17 - Bennett & Sewall Well Improvements**

Accept a Motion to Approve Resolution #2019/2020-17 - Bennett & Sewall Well Improvements.

b. **Resolutions/Ordinances in the 3rd reading**

c. Items Laid on the Table

8. New Business/Correspondence

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

i. **Chris Klemmer - Arts and Tourism Ad hoc Commission - Term Expires December 2022**

Accept a Motion to Appoint Laura Scafati to the Arts and Tourism Commission for a term ending in December 2022.

ii. **Dale Pike - Ad hoc Riverfront Advisory Committee - Term Expires June 30, 2021**

b. **Resolutions/Ordinances in the 1st Reading**

i. **Resolution #2019/2020-18 - Allow Sports Betting Add to March Ballot**

c. Correspondence to the Town Council

d. Closing Comments by Town Councilors

e. Next Council Meeting

i. **TBD**

9. Adjournment

Visitor Orientation to the Town Council Meeting

Welcome to this evening's Council meeting. Please note that the purpose of the meeting is for the Council to accomplish its work within a qualitative time frame. Meetings are open to the public, but public participation is limited. If you wish to be heard by the Council, please note the "Public Forum" at the beginning of the meeting to speak to items on a meeting agenda and/or matters pertaining to the business of the Council. In addition, public hearings may be scheduled for public comment on specific matters.

Speakers must be residents of the Town of Newmarket, property owners in the Town of Newmarket, and/or designated representatives of recognized civic organizations or businesses located in the Town of Newmarket. When they are at the podium, speakers first need to recite their name and address for the record. Visitors should address their comments to the presiding officer and the Council as a body and not to any individual member.

Each speaker shall be provided a single opportunity for comment, limited to three (3) minutes. Public forum shall be limited to fifteen (15) minutes. Visitors should not expect a response to their comments or questions since the Council may not have discussed or taken a position on a matter. Public Forum is not a two-way dialogue between speaker(s), Councilors, and/or the Town Administrator. The Chair will preserve strict order and decorum at all Town Council meetings. Outbursts from the public are not permitted.



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ATTACHMENTS:

Description	Upload Date	Type
November 20, 2019 Joint Council/PB Meeting Minutes	12/3/2019	Cover Memo

1
2
3 **TOWN OF NEWMARKET, NEW HAMPSHIRE**
4 **JOINT TOWN COUNCIL/PLANNING BOARD MEETING**

5 **NOVEMBER 20, 2019 5:30 PM**

6 **TOWN HALL AUDITORIUM**

7 ***DRAFT MINUTES***
8

9 TOWN COUNCIL MEMBERS PRESENT: Council Chairman Toni Weinstein, Councilor Zachary Dumont,
10 Councilor Jon Kiper, Councilor Gretchen Kast, Councilor Casey Finch, Councilor Helen Sanders
11

12 EXCUSED: Vice Chairman Amy Burns
13

14 PLANNING BOARD MEMBERS PRESENT: Chairman Eric Botterman, Vice-Chair Valerie Shelton, Jamie
15 Bruton, Thomas Howard Alternate
16

17 ALSO PRESENT: Town Administrator Steve Fournier, Town Planner Diane Hardy, ADG Manager Stuart
18 Arnett, ADG Consultant Bill Sullivan
19

20 **AGENDA**
21

22 Chairman Toni Weinstein welcomed everyone to the November 20, 2019 Newmarket Joint Town
23 Council/Planning Board Meeting and called the meeting to order at 5:30 pm, followed by the Pledge of
24 Allegiance.
25

26 **NEWMARKET GATEWAYS STUDY**
27

28 Town Administrator Fournier said the Town Council set a goal to examine economic opportunities in
29 Newmarket “gateways”, with a North Gateway on North Main Street, a West Gateway down Route 152,
30 and a South Gateway between Exeter Road to Newfields town line. He said the Town contracted with ADG
31 (Arnett Development Group, LLC) as Economic Consultant to determine what could and could not be done
32 in those areas.
33

34 Manager Stuart Arnett said ADG is a planning and development firm, and he and Landscape Architect Bill
35 Flynn were there to talk about the 3 major gateways in Newmarket, identify issues that may impact future
36 development, and outline an action plan to enhance future development within each district. He said the
37 North Gateway is finished, the West Gateway mostly finished, and the South Gateway has been started
38 and has strong recreational and natural resource connections. He said for each area they looked at the
39 character, environment, and regulatory climate as development considerations.

North Gateway Observations

Mr. Arnett said the North Gateway area is characterized as natural resource-based with hydric soils, flood plains, wetlands, and some major land-use considerations with large undeveloped tracts and existing parkland. Traffic considerations include limited access points in and out of this quadrant and 3 bottle-necks at Dame Road, Bay Road, and at the Route 108 Bridge. Regulatory considerations include limited development potential due to the small average lot size and the 150-foot road frontage requirements. He said he worked with Town Planner Diane Hardy on a list of considerations for Planning Board review.

Landscape Architect Bill Flynn said some of the properties in the north quadrant are not vacant but still have potential for re-development. He said the size of the residential lots is a main constraint, but he thought to combine several different properties in a collaborative joint development effort. Preliminary recommendations for the North Gateway are: (1) review the B-1 zoning designation, (2) anticipate future development by doing a build-out analysis, (3) anticipate future traffic impacts, (4) encourage collaboration among property owners, and (5) consider the adoption of a Senate Bill 22 incentives.

Town Administrator Fournier explained the new Senate Bill 22. For those familiar with RSA 79-E, which is a tax exemption for renovating historical buildings, this is a similar bill for Economic Development purposes for new construction. He said the Council could take a number of parcels and set them aside as a development district, and future development would not be taxed for a x number of years, as a way to encourage people to develop in that area.

Mr. Flynn said the number of outlets in the North quadrant, and the amount of undeveloped land there, bodes well for future development but traffic and parking will be considerations. He said a large vacant lot, such as that which was used for NH DOT highway improvement project as a staging area, would open up opportunities for reorganizing property and accommodating future traffic flow.

West Gateway Observations

Mr. Flynn said the West Gateway is the B-3 zoning district on Route 152 where it crosses the Town line. He said they focused on 5 properties adjacent to the sand pits which is a large undeveloped area with potential for different types of development, larger properties vs. small. He said the area is in a wellhead protection zone with some limits (aquifer, flood plains, wetlands), especially now without public water and sewer access, which could hamper development.

Mr. Flynn said as far as land-use, its context includes Town, corporate, and State of NH ownership, individual residences, and undeveloped parcels as well as conservation areas. He said the B-3 zoning has constraints for future residential development but there is a significant amount of open space and the potential to develop some recreation opportunities. Mr. Arnett said there are some very large parcels there for future development.

Mr. Flynn said a consideration that plays a very important role is the lack of public infrastructure (utilities, water and sewer). He said the water main within a quarter mile of the project study area, and said it would

84 be beneficial to extend (and loop) the water and extend the sewer lines. He said preliminary
85 recommendations include a minor adjustment in boundaries of B-3 zone (to a R-1 zoning) along Ash
86 Swamp Road, as there is concern about traffic and residential access. He said the intersection provides
87 quick traffic flow but marks a potential gateway into Town, with commercial traffic directed along
88 Wadleigh Falls Road and residential traffic down Ash Swamp Road.

89
90 Mr. Flynn said two significant recommendations would be to adjust the boundaries of the B-3 zoning
91 district along Ash Swamp and create a Tax Increment Financing District (TIF) in the remaining B-3. He said
92 a TIF District opens opportunities to get infrastructure to the project area in a more expedient and cost-
93 savings way. Mr. Arnett said they are suggesting this as public water and sewer access allows for better
94 planning and development, the problem being how to pay for it. He said TIF takes new property taxes
95 from properties built and dedicates them to pay off the bond for water and sewer improvements, but the
96 area needs to generate more tax revenue than the yearly costs of municipal services, as a way of financing
97 the infrastructure.

98
99 Mr. Flynn said he did a series of build-out analyses to develop the property as it is today, and looked at
100 the project study area for Suburban Mixed Use Development with commercial, residential, CCRC
101 (Continuing Care Residential Community), and recreation incorporated in one community (often referred
102 to as a Planned Unit Development (PUD) or Village Plan Alternative Subdivision). He said the area is 100
103 acres in size and is easily developable land. Town Administrator Fournier said a few years ago an Economic
104 Development Committee reviewed potentials there and one idea was a CCRC along with providing some
105 services. Mr. Arnett said putting water and sewer there provides an opportunity to make a somewhat
106 contained village center.

107 **ADG Design Precedents**

108
109
110 Mr. Flynn said to give a sense of reality to this project they looked prior projects of small, medium, and
111 large scale. The first is a small project called "Pointe Place", in Dover, NH with mixed-use facilities within
112 a designated area. It includes retail, office space, restaurants, and other conveniences as well as
113 residential with a choice of apartments, condos, and townhouses. There is also a large assisted living
114 facility and the development connects to a purely residential neighborhood which makes it attractive.

115
116 Mr. Flynn said the mid-size project is in Peachtree City, GA and is a live-play destination with 37 acres of
117 lakefront property. It is more densely developed with greater emphasis on residential housing offering
118 retail, commercial and office as well as recreation and walking trails. This project is attractive to the people
119 living there and the community at large.

120
121 Mr. Flynn said the last project is Rock Row in Portland, ME which is a 100 acre converted rock quarry. The
122 very large development offers office space, medical, retail, grocery, movie, eateries and music venues as
123 well as residential green space. He said this is a more urban area with access to the interstate and has
124 some attractive elements. Town Administrator Fournier said Rock Row in Portland is basically in
125 Westbrook, right off Route 95 and is definitely a destination area. He said the scale of Point Place in Dover
126 was more realistic for Newmarket and the surrounding area.

Mr. Flynn said the possibilities are endless and will all come back to what will work economically. Town Administrator Fournier said people want to downsize from homes into smaller condos, and said Newmarket is becoming more of a retirement community than a first-time buyer community. Mr. Arnett said the market for first-time buyers is more likely in the North Main Street area.

Mr. Arnett said in the South Gateway area they are utilizing a few of the features there to emphasize natural resources and the recreation potential there with the State owned "Rail to Trail" (Rockingham Recreation Trail) and the proximity to Town water service. He said all 3 of the entrances are complementary and have a natural resource base with open space and greenways and are not competing with each other. Town Planner Diane Hardy said what struck her at Pointe Place was the quality of the residential development, nicely landscaped with architecturally designed houses, similar to the development we have at Rockingham Green.

Mr. Arnett said this is conceptual, at this point, to show the opportunities for the community to help private owners make decisions that will help everybody and could be used as a communication tool, with the Town playing a role as a catalyst to set its own future. He said the Planning Board has to be an advocate and develop appropriate regulations, working with the Town Council to develop the land and protect its resources to its fullest potential.

Questions: Planning Board Chairman Eric Botterman thanked Mr. Arnett and Mr. Flynn for their report. He said there is nothing the Planning Board can do about the existing lot sizes in the North Gateway area, from a public agency standpoint, but he is supportive of considering zoning changes. He said there was an attempt a few years ago by several landowners to work with a developer for a mixed-use development who eventually withdrew his project. Town Planner Hardy said on that particular project the issue was water capacity and fire flows, and the North Main Street infrastructure has since been replaced with new water and sewer lines.

Mr. Botterman said on the Route 152 corridor he feels the failure is in the zoning. He said he supports the TIF process and trying to get development out there and will be engaging the Planning Board in developing zoning changes to make that happen. He said having Town water and sewer out there are both key with the Town's aquifer there. Mr. Arnett said they are hearing more and more about PFAS and ground water contamination, and there will continually be a push for water and sewer and getting rid of ground water sourcing.

Councilor Kast asked about the South Gateway, and Town Administrator Fournier they should promote recreation in that area with Great Bay Fitness, the golf course, and a major on/off point for the Recreation Trail. Mr. Arnett said the project report for that project is not finished yet, but it feeds back to Newmarket being a natural resources showpiece which should be protected and enhanced. Town Planner Hardy said in the South Gateway the Town has a new property owner who bought the Railroad Depot and is interested in developing a small mixed-use development at that location.

Chairman Weinstein asked if the suggested project for the West Gateway would be geared toward a 55+ community. Mr. Arnett said age restriction is becoming a very over-saturated market and the deeds do not allow renting to someone else. Chairman Weinstein said she heard that amenities wanted by the Baby

Boomers are very similar to those wanted by Millennials, with access to nature and affordability. Mr. Flynn said he read that over 55 housing is failing because it lacks diversity, and said a key amenity that people are looking for is shared office space.

Town Administrator Fournier said malls are failing and downtowns are becoming more successful, as groups with disposable income want to live in a community and be part of a community without strip malls and industrial and commercial uses. Planning Board Vice-Chair Valerie Shelton asked if the Town is looking beyond Route 108 contiguous properties for the South Gateway, with the connectivity of New Road to Town-owned properties, as well as undeveloped land in that area that is under current use assessment.

Mr. Flynn said like the North and West where there is area to develop, context will be key in the South gateway area. He said there are large parcels there with potential, and they are looking off Route 108 as well. Town Administrator Fournier said the problem with New Road is access as it is not a commercial road. Ms. Shelton said she understands there are issues, but there is a tremendous amount of land there that is not on the tax rolls. Mr. Flynn said like the North there is a lot of open green space which will be part of the attraction for new comers and tourists, and contributes significantly towards long-term development.

Ms. Shelton said the issues with New Road will be the same with Dame Road and Bay Road, and said they need to determine what land is remaining and developable after subtracting the Transfer Station, conservation lands, and wetlands. Mr. Botterman said in the West Gateway he has a hard time believing a TIF District in that area will generate enough revenue to allow for water and sewer in the near future. Mr. Arnett said with the TIF they will be assessing the land at a much higher value than if it remains on septic systems and wells, and said the Town would need to take a good hard look before moving forward.

Mr. Botterman asked what the Council wants the Planning Board to undertake going forward. Town Administrator Fournier recommended the Planning Board study what zoning changes will be needed in the North and West Gateways to facilitate development. He said 20 years ago everyone wanted a house on 2 acres and now people want to be in neighborhoods and you have residential zoning with wasted land. Mr. Arnett said it also takes up a lot of land for septic systems and setbacks, and with sewer they can do clustering and leave some land open.

Mr. Botterman asked how long ADG will be on contract, and Mr. Arnett said through June 30, 2020. Town Administrator Fournier said he budgeted for the following year as well. Mr. Flynn said since they are on track ADG will pull this all together in a substantial report. Ms. Shelton said she did not want to adopt new zoning that is not marketable. Chairman Weinstein said as a resident it is important to her to have some connection to the rest of the community. Town Administrator Fournier said on the roads connecting the development to Ash Swamp Road they can have more amenities like streetlights and sidewalks to make walking safer and use the area as a neighborhood, which would also calm traffic there.

Mr. Botterman said the Council will be receiving a letter from the Planning Board (inked by Town Planner Hardy) recommending the elimination of impact fees. He said the rationale is they will not be needed for major School expansion for a long time, and water and sewer costs can be addressed by betterment fees

Town Council Regular Meeting
November 20, 2019

216 (Special assessment or System Development Fees). Recreation programs can continue to be financed with
217 user fees. Ms. Shelton added that a System Development Fee, is not an impact fee, and can be changed
218 at any time.

219

220 **NEXT MEETING:** The next Regular Town Council meeting will be held on Wednesday, December 4, 2019
221 at 7:00 pm in the Town Council Chambers.

222

223 **ADJOURNMENT**

224

225 Chairman Weinstein adjourned the meeting at 6:42 pm.

226

227 Respectfully submitted,

228 Patricia Denmark, Recording Secretary



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1
2 **TOWN OF NEWMARKET, NEW HAMPSHIRE**
3 **TOWN COUNCIL REGULAR MEETING**
4 **NOVEMBER 20, 2019 7:00 PM**
5 **TOWN COUNCIL CHAMBERS**
6
7 ***DRAFT MINUTES***
8

9 PRESENT: Council Chairman Toni Weinstein, Councilor Zachary Dumont, Councilor Jon Kiper, Councilor
10 Gretchen Kast, Councilor Casey Finch, Councilor Helen Sanders, Council Vice Chairman Amy Burns (by
11 speakerphone)
12

13 ALSO PRESENT: Town Administrator Steve Fournier
14

15 **AGENDA**
16

17 Chairman Toni Weinstein welcomed everyone to the November 20, 2019 Newmarket Town Council
18 Meeting and called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.
19

20 Chairman Weinstein stated that Vice-Chair Amy Burns would be participating by speakerphone.
21

22 **PUBLIC FORUM**
23

24 As no one from the public was present, Chairman Weinstein closed the Public Forum at 7:01 pm.
25

26 **PUBLIC HEARING – None**
27

28 **TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES**
29

30 **Acceptance of the Minutes of the Regular Meeting of November 6, 2019**
31

32 Vice-Chair Burns made a motion to approve the Minutes of the Regular Meeting of November 6, 2019
33 which was seconded by Councilor Kiper.
34

35 Changes/Corrections: Councilor Kast recommended “Ad Hoc” be added to the Riverfront Advisory
36 Committee for clarification. After discussion the committee title was left as *Riverfront Advisory*
37 *Committee*.
38

39 Town Administrator Fournier polled the Council and the Minutes of the Regular Meeting of November 6,
40 2019 were approved by a vote of 7-0.

Acceptance of the Minutes of the Non-Public Meeting of November 6, 2019

Vice-Chair Burns made a motion to approve the Minutes of the Non-Public Meeting of November 6, 2019 which was seconded by Councilor Kiper.

Town Administrator Fournier polled the Council and the Minutes of the Non-Public Meeting of November 6, 2019 were approved by a vote of 7-0.

REPORT OF THE TOWN ADMINISTRATOR

Town Administrator Steve Fournier said regarding **Parking in Downtown** he would take part in a conference call tomorrow with Walker Group, who conducted the survey in 2006, to discuss updating that document for 2019 and come up with suggestions. He said he recommended the Council then form a committee to look at the recommendations.

Town Administrator Fournier provided an update on first quarter **FY2020 Expenditures** and said 37.1% of the General Fund Budget was expended after 4 months, but after encumbrances brought were brought in was on target at 33.5%. He said year-to-date Water & Sewer expended 42.2% and 48.6%, and said they were right where they should be with the budget at this point.

Town Administrator Fournier said the State of New Hampshire DRA set the **Property Tax Rate** at \$24.26, a decrease of \$4.98/1,000 or 9.2%. He said the Town decreased 10%, Local & State Education decreased 18.9%, and County decreased by 20% due to increase in property valuations. He said Tax Bills were due December 18, 2019. For any questions about property value contact the Assessors to set up a meeting. He said for the State, Newmarket falls right in the middle at approximately 23%/1,000.

Town Administrator Fournier said he has been asked to speak at the **2019 Coastal Climate Summit** on behalf of the Town with NHDES on the benefits of Aquatic Mitigation Resources Funding. He said this funding was used to rebuild the Lubberland Creek Culvert Project, and said he would speak about Emergency Management.

Discussion: Councilor Dumont asked if any costs were involved in having the Walker Group update their Parking Study, and Town Administrator Fournier said he will find out the costs tomorrow. Chairman Weinstein said the Coastal Climate Summit was open for all to attend. Town Administrator Fournier said Public Works and Fire were on vacation and those reports were not included.

COMMITTEE REPORTS

Councilor Finch said the *Conversation Commission* met, and Southeast Land Trust (SELF) asked to make a presentation to the Council to speak about the Clark Farm property. He said they secured funding from LCHIP and were looking to make the Council presentation on December 18, 2019, and were presenting to the Conservation Commission next week. Town Administrator Fournier said he preferred to wait for the Conservation Commission meeting as they would be providing the funds. He said they may just need a resolution authorizing the Conservation Commission to withdraw funds to purchase the property, and said SELF could attend on the night the resolution is adopted.

Councilor Kast said the Council just held their Joint Meeting with the *Planning Board*, but wanted to mention that the Water Resources Chapter Update Committee has its first meeting on Monday, November 25, 2019 5:30-7:00 pm.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Resolution #2019/2020-10 Amending Personnel Policy Updating Harassment Policy

Vice-Chair Burns made a motion to approve *Resolution #2019/2020-10 Amending Personnel Policy Updating Harassment Policy* which was seconded by Councilor Dumont.

Town Administrator Fournier said the resolution is self-explanatory, and said the Town needed to update different policies from time-to-time to reflect new laws in place.

Chairman Weinstein commented that the changes reflect a more progressive approach, and said she would love to see policy training for all committees and boards.

Town Administrator Fournier polled the Council and *Resolution #2019/2020-10 Amending Personnel Policy Updating Harassment Policy* was approved by a vote of 7-0.

ORDINANCES AND RESOLUTIONS IN THE 3RD READING – None

ITEMS LAID ON THE TABLE – None

NEW BUSINESS /CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS

Riverfront Advisory Committee

Candidate: *Michael Provost – Term to Expire June 30, 2021*

Vice-Chair Burns made a motion to appoint *Michael Provost – Term to Expire June 30, 2021 as a member of the Riverfront Advisory Committee*, which was seconded by Councilor Dumont.

Chairman Weinstein said Michael Provost has a lot to offer the community and the Committee. She said she reached out to another interested party, and Councilor Kast said she also reached out to someone. Town Administrator Fournier said once the Committee is complete they probably will not do much until the Capstone Project is finished.

Town Administrator Fournier polled the Council and *Michael Provost* was appointed as a member of the *Riverfront Advisory Committee* by a vote of 7-0.

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Resolution #2019/2020-12 Withdrawal of School Impact Fees

Chairman Weinstein read Resolution #2019/2020-12 *Withdrawal of School Impact Fees* in full.

Resolution #2019/2020-13 Acceptance of Hayden Place as a Town Road

Chairman Weinstein read Resolution #2019/2020-13 *Acceptance of Hayden Place as a Town Road* in full.

CORRESPONDENCE – None

CLOSING COMMENTS

Councilor Kast said at the Joint Meeting the Planning Board made a recommendation about Impact Fees and asked the procedure for the Council to consider that recommendation. Town Administrator Fournier said he would need an amendment to delete provisions for Impact Fees in the Ordinance, whether to recommend or not recommend, and the reasons why.

Councilor Dumont first congratulated NPD for 2 fund-raising events held bringing in \$3,300 for a new playground, and \$13,802 for the Rockingham County Child Advocacy Center. He said he also attended the NHMA 78th Annual Conference last week and sent notes out to everyone. He said Keynote Speaker Jim Hunt said a lot that applied at the town as well as city level, and stressed attention to detail and consistent investment by town public officials to make the kind of community that stands out. He said there was also a big emphasis on Green Awareness at the conference and he felt Newmarket was right at the forefront. He added that NRRA still felt that recycling in New Hampshire was worth it.

Chairman Weinstein also attended the NHMA Conference needed to understand future costs of waste, and said with programs like composting the Town is saving future dollars. She asked Town Administrator Fournier, as a member of the NHMA Board, to bring these comments back. She also agreed that Jim Hunt was relevant and a great speaker. She said she missed spending time in the Exhibitors Hall.

Councilor Kiper said he did walk around the Exhibitors Hall and said Newmarket is on the cover of "Housing Solutions for New Hampshire".

Chairman Weinstein said dates coming up are December 7th for the Tree-Lighting. She advised councilors to review the report of the Economic Development Consultant about potential development in the north, south, and west areas of their community.

NEXT MEETING: The next meeting will be held on Wednesday, December 4 2019 at 7:00 pm in the Town Council Chambers.

ADJOURNMENT

Chairman Weinstein adjourned the meeting at 7:31 pm.

Respectfully submitted,

179 Patricia Denmark, Recording Secretary

DRAFT



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2 **TOWN OF NEWMARKET, NEW HAMPSHIRE**
3 **TOWN COUNCIL REGULAR MEETING**
4 **DDECEMBER 4, 2019 7:00 PM**
5 **TOWN COUNCIL CHAMBERS**
6
7 ***DRAFT MINUTES***
8

9 PRESENT: Council Chairman Toni Weinstein, Council Vice Chairman Amy Burns, Councilor Zachary
10 Dumont, Councilor Jon Kiper, Councilor Gretchen Kast, Councilor Helen Sanders

11
12 EXCUSED: Councilor Casey Finch

13
14 ALSO PRESENT: Town Administrator Steve Fournier
15

16 **AGENDA**

17
18 Chairman Toni Weinstein welcomed everyone to the December 4, 2019 Newmarket Town Council
19 Meeting and called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.

20
21 Chairman Weinstein stated that Councilor Casey Finch was excused.

22
23 **PUBLIC FORUM**

24
25 As no one from the public was present, Chairman Weinstein closed the Public Forum at 7:01 pm.

26
27 **PUBLIC HEARING – *Resolution #2019/2020-13 Acceptance of Hayden Place as a Town Road***

28
29 Town Administrator Fournier said Hayden Place is a subdivision developed by Chinburg Properties, and
30 said the road was reviewed by Underwood and he recommended it be accepted as a Town Road.

31
32 As there were no audience members present, Chairman Weinstein closed the Public Hearing at 7:02 pm.

33
34 **TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES**

35
36 Town Administrator Fournier said he understood there were a number of revisions councilors wished to
37 make to the minutes of the Regular Town Council Meeting and the Joint Town Council/Planning Board
38 Meeting, both held November 20, 2019. He asked that approval of the minutes be held off until the next
39 meeting and changes be forwarded to him.
40

REPORT OF THE TOWN ADMINISTRATOR

Town Administrator Fournier said he was notified by the Attorney General's office that the Department of Revenue Administration and the Secretary of State approved all 8 **Charter Amendments** previously approved by the Council. He said the Town Attorney recommends that the Council make a motion to forward the amendments to Ballot in March.

Vice-Chair Burns made a motion to forward the 8 Charter Amendments to the March 2020 Town Meeting Ballot, which was seconded by Councilor Kast.

Town Administrator Fournier polled the Council and the motion was approved by a vote of 6-0.

Town Administrator Fournier said he was happy to announce that the Town of Newmarket Wastewater Facility Upgrade Project was selected as the 2019 **Performance & Innovation in the SRF Creating Environmental Success (PISCES) Award** from the EPA, presented to the New Hampshire Department of Environmental Services at the Council of Infrastructure Financing Authorities Conference in Cleveland in November. This is New Hampshire's first PISCES nomination and first PISCES Award, with kudos to the Water & Sewer Department.

Town Administrator Fournier said the State Legislature has approved **Sports Betting** in the State. He said people will be able to place bets 2 ways: (1) online using DraftKings App if physically in the State; (2) at 10 locations across the State to be set up for in-person wagering. He said prior to a facility applying for a license the question would have to be placed on the Ballot for approval. Vice-Chair Burns felt it should be placed on the Ballot, and Councilor Dumont agreed that the Town to have a choice about hosting a facility. Town Administrator Fournier said he would need to get a resolution ready for a Warrant and hold a Public Hearing. The consensus of the Council was to proceed with the draft of the resolution.

Town Administrator Fournier said he was exploring updating the **2006 Parking Study** done by Walker Parking Consultants. He said the cost could be about the same as for the last study (\$30,000). Councilor Dumont asked about partnering with UNH, and Town Administrator Fournier said he will also look at Rockingham Planning Commission when the price comes in. Councilor Kast asked why an update would cost as much as a regular study, and Town Administrator Fournier said this is 13 years later. He said he felt this study would give them an independent view of where the Town should go. Councilor Kiper asked where the funds would be coming from, and Town Administrator Fournier said they would have to find the money.

Town Administrator Fournier said he received communications from Chinburg Properties expressing concerns over the direction of the newly installed parking spaces near the Library. He said they agreed to keep the parking spaces there, but to change the flow of traffic to the other direction, coming out onto Main Street.

Town Administrator Fournier said he would have before the Council at the next meeting a letter of intent with **Revision Energy** to work with the Town to explore putting solar panels on the Wilson Property, which would generate revenue for the Town and provide cheaper electricity.

Town Administrator Fournier said this weekend is **Very Merry Main Street**, a Crafts Fair, and Holiday Party, ending with lighting of the Giving Tree at singing Carols at Arbor Park from 5:00 pm to 6:00 pm. More information is available at newmarketrec.org.

Town Administrator Fournier said the Secretary of State announced February 11, 2020 as the **2020 Presidential Primary**. He said voting will be held at the Newmarket Elementary School from 7:00 am to 7:00 pm, and asked councilors to block the day off.

Questions: Chairman Weinstein said she was glad an agreement was reached with Chinburg, as the extra parking spaces are well-used and beneficial to the Town. She asked town Administrator Fournier for an explanation of the Capstone Presentation he attended for the Riverwalk Project.

Town Administrator Fournier said the Capstone Project is 7 or 8 engineering students with diverse backgrounds who get together and have to work on a Capstone Project for the University. He said they first came to the Town to ask if they could do the project here, and then presented it to professors, engineers, and project advisors on their scope of ideas for the study, and asked him to attend. He said the Riverwalk would be from Schanda Park down to the Chinburg Building and then examine connecting to Heron Point. He said they will study what the Town needs to do, how to get the proper permits, and look at what has been done in the past. He said this would take about 1 year.

COMMITTEE REPORTS

Councilor Kast said the *Planning Board* has not met since the last Joint Meeting, but the Sub-Committee on the Water Resource Chapter for the Master Plan had their first meeting and got a good structure for a plan for redoing that chapter for the next meeting in January.

Councilor Dumont said the *Budget Committee* met and had the presentation of the Town FY2021 Operating Budget. He said there was a good scope of questions from Budget Committee members, and he expects more in-depth questioning closer to the Town Public Hearing.

Chairman Weinstein said the *Energy & Environment Advisory Committee* met last night and further discussed the Solar 603 project in Canterbury and how to implement that in Newmarket. She said it will incentivize people to install solar panels and the Committee will be working to move that forward. She said they are also working on a letter to local businesses about EV Charging Stations. She said the Committee also talked about a lot of options on tree planting and tree management and doing a public partnership. She said Newmarket has a Tree City USA sign at the north entrance to Town, and Town Administrator Fournier said the Town has a Tree Forester to be compliant with the designation.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Resolution #2019/2020-12 Withdrawal of School Impact Fees

Vice-Chair Burns made a motion to approve Resolution #2019/2020-12 *Withdrawal of School Impact Fees*, which was seconded by Councilor Dumont.

Town Administrator Fournier said the Superintendent's letter speaks for itself and this is for construction costs for the High School.

Town Administrator Fournier polled the Council and Resolution #2019/2020-12 Withdrawal of School Impact Fees was approved by a vote of 6-0.

Resolution #2019/2020-13 Acceptance of Hayden Place as a Town Road

Vice-Chair Burns made a motion to approve Resolution #2019/2020-13 Acceptance of Hayden Place as a Town Road, which was seconded by Councilor Dumont.

Town Administrator Fournier said Hayden Place meets all criteria and was inspected by the Town Engineer, and he recommends acceptance of the resolution.

Town Administrator Fournier polled the Council and Resolution #2019/2020-13 Acceptance of Hayden Place as a Town Road was approved by a vote of 6-0.

ORDINANCES AND RESOLUTIONS IN THE 3RD READING – None

ITEMS LAID ON THE TABLE – None

NEW BUSINESS /CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS

Ad Hoc Arts & Tourism Commission

Candidate: *Laura Scafati – Term to Expire December 2022*

Vice-Chair Burns made a motion to appoint *Laura Scafati – Term to Expire December 2022* as a member of the *Ad Hoc Arts & Tourism Commission*, which was seconded by Councilor Kast.

Town Administrator Fournier polled the Council and appointment of *Laura Scafati* as a member of the *Ad Hoc Arts & Tourism Commission* was approved by a vote of 6-0

Riverfront Advisory Committee

Candidate: *Cindy Quetti – Term to Expire June 30, 2021*

Vice-Chair Burns made a motion to appoint *Cindy Quetti – Term to Expire June 30, 2021* as a member of the *Riverfront Advisory Committee*, which was seconded by Councilor Dumont.

Town Administrator Fournier polled the Council and appointment of *Cindy Quetti* as a member of the *Riverfront Advisory Committee* was approved by a vote of 6-0

Council Representative to the Ad Hoc Arts & Tourism Commission

Councilor Sanders said she would like to be considered as the Town Council Representative to the Ad Hoc Arts & Tourism Commission.

Vice-Chair Burns made a motion to appoint Councilor Sanders as the Town Council Representative to the Ad Hoc Arts & Tourism Commission, which was seconded by Councilor Dumont.

Town Administrator Fournier polled the Council and the motion to appoint Councilor Sanders as Town Council Representative to the Ad Hoc Arts & Tourism Commission was approved by a vote of 6-0. He said he was also going to staff that Committee with the Recreation Director.

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Resolution #2019/2020-14 Downtown TIF Transfer of CIP Funds

Chairman Weinstein read Resolution #2019/2020-14 Downtown TIF Transfer of CIP Funds in full.

Resolution #2019/2020-15 Moody Point Association Agreement

Chairman Weinstein read Resolution #2019/2020-15 Moody Point Association Agreement in full.

Resolution #2019/2020-16 MacIntosh & Tucker Wells Water Treatment Plant

Chairman Weinstein read Resolution #2019/2020-16 MacIntosh & Tucker Wells Water Treatment Plant in full.

Resolution #2019/2020-17 Bennett & Sewell Well Improvements

Town Administrator Fournier read Resolution #2019/2020-17 Bennett & Sewell Well Improvements in full.

CORRESPONDENCE – None

CLOSING COMMENTS

Chairman Weinstein said she attended a Coastal Climate Summit today, and Town Administrator Fournier represented Newmarket and spoke about the Lubberland Creek Culvert Project. She said it was exciting to see Newmarket at the forefront of innovative ways to deal with Climate Change issues. She also reminded everyone about the Giving Tree Ceremony this weekend in Arbor Park.

NEXT MEETING: The next meeting will be held on Wednesday, December 18, 2019 at 7:00 pm in the Town Council Chambers.

ADJOURNMENT

Chairman Weinstein adjourned the meeting at 7:45 pm.

223

224 Respectfully submitted,

225 Patricia Denmark, Recording Secretary

DRAFT



Town Hall
186 Main Street
Newmarket, NH 03857

Tel: (603) 659-3617
Fax: (603) 659-8508

Founded December 15, 1727
Chartered January 1, 1991

TOWN OF NEWMARKET, NEW HAMPSHIRE

ATTACHMENTS:

Description	Upload Date	Type
TA Report 12/18/2019	12/12/2019	Cover Memo



TOWN OF NEWMARKET, NEW HAMPSHIRE
OFFICE of the TOWN ADMINISTRATOR

REPORT OF THE TOWN ADMINISTRATOR
December 18, 2019

Wilson Property Solar Farm: As the Council is aware, the Town owns a parcel of land off of New Road known as the Wilson Property. This property was purchased by the Town about 20 years ago for the purpose of developing an industrial park. This parcel has remained vacant all that time. We have been looking at options for this parcel.

Earlier this year, the Facilities Director and I began to explore locating a solar farm on the property as a way to use the property to benefit the Town with minimal impact to the area.

We are currently working with Revision Energy to locate a solar array on the property. This would be a 25-year agreement with the owner of a system and we would see income from purchasing energy through the system, a payment in lieu of taxes on the equipment, and other areas. We would enter into a power purchasing agreement.

A solar power purchase agreement (PPA) is a financial agreement where a developer arranges for the design, permitting, financing and installation of a solar energy system on a customer's property at no cost. The developer sells the power generated to the host customer at a fixed rate that is typically lower than the local utility's retail rate. This lower electricity price serves to offset the customer's purchase of electricity from the grid while the developer receives the income from these sales of electricity as well as any tax credits and other incentives generated from the system. PPAs typically range from 10 to 25 years and the developer remains responsible for the operation and maintenance of the system for the duration of the agreement. At the end of the PPA contract term, a customer may be able to extend the PPA, have the developer remove the system or choose to buy the solar energy system from the developer.

I am currently having the Town Attorney review a Letter of Intent between the Town and Revision that they will serve as our agent in securing a system developer and overseeing the project. After this, they will have to go before any permitting boards on the state and local levels. Ultimately, the Town Council will approve any agreements.

Macallen Dam: The Town finished the bidding process for the Macallen Dam renovations. We received three bids, and all of them are over the \$2m bonding authority. The lowest, by Sumco,

is \$2,181,763. We are going to meet with them to see if we can lower the bid and get it under our bonding authority.

We have issued the documents to the NH Municipal Bond Bank to be in the next debt issuance.

Happy Holiday: I wanted to wish the Council a very Merry Christmas and healthy New Year.

Our next meeting is January 1, 2020. I assume it is the wish of the Council to cancel this meeting.

ONGOING PROJECTS

*****This section will not be reported on orally to the Town Council at the meeting but will use this as a chance to update on any developments in ongoing projects. *****

Financial Software: Overall Project is 60% Complete.

FY20 Budget: The Municipal Budget Committee is reviewing the budget.

Riverwalk Project: No update.

Cell Tower: No update.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Stephen R. Fournier". The signature is fluid and cursive, with the first name "Stephen" being the most prominent.

Stephen R. Fournier
Town Administrator



Town Hall
186 Main Street
Newmarket, NH 03857

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TOWN OF NEWMARKET, NEW HAMPSHIRE

ATTACHMENTS:

Description	Upload Date	Type
Department Reports November 2019	12/11/2019	Cover Memo



Department Heads Monthly Reports to the Town Council and Town Administrator - November 2019

Police

Report of the Police Department to the Newmarket Town Council November, 2019

Activity

Newmarket Police 3 year comparable statistics for the month of **November**.

	<u>2019</u>	<u>2018</u>	<u>2017</u>
Total calls for service	1517	1596	1626
Motor vehicle stops	213	270	446
Arrests	10	20	22
Offense reports	35	23	33
M/V accidents	5	7	5
Parking tickets	78	83	88
Drug Overdoses	0	0	1
Alarms	15	15	27
Unattended death/Suicide	2	1	1

During the month of November, the Newmarket Police Dispatch Center documented 1517 calls for service. We have investigated 39 criminal complaints that require active investigations in 35 of them. These criminal complaints include offenses such as Simple Assault, Domestic Violence, Criminal Threatening, Harassment, Burglary, Theft, Theft from a Motor Vehicle, Insurance Fraud, Criminal Mischief, Possession of Controlled Drugs, Default or Breach of Bail, Reckless Conduct and Bench Warrants. Numerous motor vehicle complaints were also investigated. In November, patrol officers conducted 213 motor vehicle stops which led to arrests or citations for charges such as Driving after Suspension or Revocation, Driving While Intoxicated, Aggravated Driving While Intoxicated, Transportation of Alcoholic Beverages, Passing of a School Bus, as well as many other citations and warnings. Officers conducted a number of welfare checks, house checks and nightly business checks. The patrol division issued 78 parking tickets in November. We responded to and investigated 2 untimely death scenes. Both deaths were ruled to be of natural causes.

Miscellaneous

In November, officers responded to a vicious dog attack on Main Street during the middle of the day. The officers who responded were able to separate the dog and provide medical attention to the victim. We ask and remind citizens that dogs should be on a leash while walking in a congested area such as Main Street.

On November 8th, during the early morning hours, a resident of Elm Street reported a strange man in her house. The caller, a young mother who was breastfeeding in the dark of her kitchen witnessed a man enter her house and walk up her stairwell to the 2nd floor. She quickly called 911. Within minutes, a police officer located the individual matching the description given by the young mother. The suspect was quickly apprehended and was found to be in possession of stolen property, illegal drugs and a wood hatchet concealed in his waistband. He was charged with several offenses to include Burglary.

Personnel

Officer Taylor Sheehan is scheduled to graduate the NH Police Academy on December 20, 2019. He will then be required to finish up his field training program. We are looking forward to Taylors return to the PD.

We are in the process of hiring a new dispatcher. Unfortunately, a dispatcher in training stepped down from her position after realizing the stresses that come with this difficult job. We are interviewing a handful of candidates on December 13, and we hope to have someone hired by the first of the year.

Training

Our SERT team members attended their mandatory SERT training as usual.

Officers attended the yearly "Intoxilizer" refresher training. The intoxilizer is the machine used by officers to conduct Breath Alcohol Content testing of persons arrested for Driving While Intoxicated.

Sgt. Hankin attended a 3 day training entitled, "Leadership for the future".

Several members of the police department attended a one day debrief of the Las Vegas Harvest Musical Festival shooting incident. This debrief was held at UNH and presented by the Las Vegas Metropolitan Police Department.

Parking Violations

As reported earlier in this report, patrol officers issued 78 parking tickets during the month of November. We continue to focus more time on downtown parking issues. I am 110% in favor of a new and updated parking study here in Newmarket. Simply issuing tickets does not provide a long term solution to the notorious parking dilemma this community has faced for decades. If afforded the opportunity, I would love to weigh in!

The winter on-street overnight parking ban is in full effect. Anyone found in violation of this will be issued a parking ticket and will be subject to being towed. Citizens are reminded that the Director of Public Works has the authority to declare a "snow emergency" in the event of a snow event that prohibits all on-street parking. This information is usually posted on the NPD Facebook page.

Motor Vehicle Accidents

During the month of November, we responded to 5 motor vehicle accidents.

Fleet

All vehicles in the fleet are currently working and are being closely monitored by supervisors. Again, we have been delayed by Ford Motor Company on the arrival of the two police cruisers we ordered last spring.

Police Station Maintenance:

The police station facility is in good working condition.

Drug related issues

In November, we **DID NOT** respond to any opiate related overdose. Fortunately, the individual who

overdosed was revived with several doses of NARCAN and ultimately survived.

Our police officers continue to work with those individuals and families that are affected by this epidemic. We continue to treat this epidemic as a disease and not a crime. I am extremely proud of their work and dedication to this cause.

Below are the following statistics for Heroin/Opiate related overdoses and deaths since the inception of the Newmarket Alliance for Substance Abuse Prevention (N-ASAP);

2015- 45 Overdoses with 4 deaths resulting
2016- 22 Overdoses with 2 deaths resulting
2017- 15 Overdoses with 2 deaths resulting
2018- 6 Overdoses with 2 deaths resulting
2019- 3 Overdoses with 1 death resulting

I have consistently added the foregoing paragraph in my last few reports as I feel that it is important for anyone reading this report to understand the philosophy of this agency has relative to this epidemic.

The police department's culture with regards to the opiate epidemic has evolved from "arrest and incarcerate" to "intervene and assist with recovery" when it comes to individuals who are addicted to opiates. It is my personal and professional belief that we cannot arrest our way out of this epidemic. Even if we tried that route, the cost to the taxpayers would be astronomical. Furthermore, the county jails and the state prison could not house all arrested "users". With that being said, we will NOT tolerate anyone who sells, distributes or dispenses any of this poison that is in our community. If anyone is caught selling, distributing or dispensing narcotics we will prosecute them to the fullest extent of the law.

Fiscal Year 2019/2020 Budget:

We are five months into fiscal year 2019-2020. I am unable to provide a percentage spent thus far.

Respectfully Submitted,

Kyle True
Police Chief

Fire Department

In November, the department responded to 76 calls for service; 49 of which were medical calls, transporting 38 patients to area hospitals. The ambulance responded to Newfields for five medicals, transporting four patients. The ambulance also responded to Durham and Stratham transporting two patients to the hospital. The Ladder responded to Barrington and Exeter for building fires. The tanker responded to Stratham for a building fire. The Mobile Command truck responded to Newington for a SERT event.

We have received all bids back for the engine. We are in the process of evaluating the specifications and best leasing options for the purchase. I hope to get final approval in January. It will take a year to build the new engine.

The department will be hosting its annual Senior Citizens Christmas party on December 7th at the Elementary School beginning at 11am.

Starting in December, the department will be promoting a new program called Hydrant Heroes. This winter each time there is a snowstorm the department will trade a ride to school for shoveling the snow away from hydrants around town. When a child shovels out a hydrant, they pose for a picture and have their parents post it on the department's Facebook page. After each storm we will draw at random one winner from all submittals and give them a ride to school in the fire truck. This program is great for the kids and helps them to learn a lesson in civic responsibility!

I have attached charts with activity reports for the month of November.

Newmarket Fire & Rescue

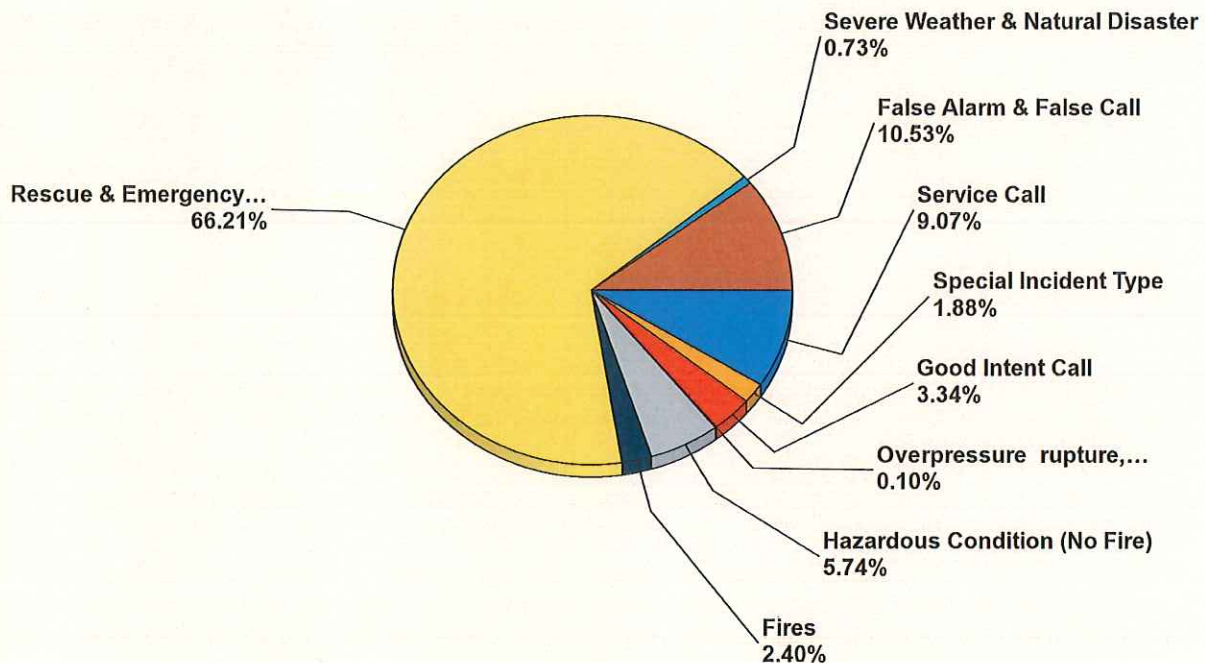
Newmarket, NH

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Breakdown by Major Incident Types for Date Range

Zone(s): All Zones | Start Date: 01/01/2018 | End Date: 11/30/2018



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	23	2.40%
Overpressure rupture, explosion, overheating - no fire	1	0.10%
Rescue & Emergency Medical Service	635	66.21%
Hazardous Condition (No Fire)	55	5.74%
Service Call	87	9.07%
Good Intent Call	32	3.34%
False Alarm & False Call	101	10.53%
Severe Weather & Natural Disaster	7	0.73%
Special Incident Type	18	1.88%
TOTAL	959	100.00%

Only REVIEWED incidents included. Summary results for a major incident type are not displayed if the count is zero. Does not include Imported data.

Detailed Breakdown by Incident Type

INCIDENT TYPE	# INCIDENTS	% of TOTAL
100 - Fire, other	2	0.21%
111 - Building fire	9	0.94%
112 - Fires in structure other than in a building	1	0.10%
113 - Cooking fire, confined to container	1	0.10%
114 - Chimney or flue fire, confined to chimney or flue	2	0.21%
116 - Fuel burner/boiler malfunction, fire confined	1	0.10%
131 - Passenger vehicle fire	2	0.21%
140 - Natural vegetation fire, other	1	0.10%
142 - Brush or brush-and-grass mixture fire	3	0.31%
154 - Dumpster or other outside trash receptacle fire	1	0.10%
240 - Explosion (no fire), other	1	0.10%
300 - Rescue, EMS incident, other	7	0.73%
311 - Medical assist, assist EMS crew	3	0.31%
320 - Emergency medical service, other	50	5.21%
321 - EMS call, excluding vehicle accident with injury	535	55.79%
322 - Motor vehicle accident with injuries	15	1.56%
324 - Motor vehicle accident with no injuries.	22	2.29%
381 - Rescue or EMS standby	3	0.31%
410 - Combustible/flammable gas/liquid condition, other	2	0.21%
412 - Gas leak (natural gas or LPG)	10	1.04%
413 - Oil or other combustible liquid spill	3	0.31%
422 - Chemical spill or leak	1	0.10%
424 - Carbon monoxide incident	13	1.36%
440 - Electrical wiring/equipment problem, other	4	0.42%
444 - Power line down	20	2.09%
445 - Arcing, shorted electrical equipment	1	0.10%
463 - Vehicle accident, general cleanup	1	0.10%
500 - Service Call, other	21	2.19%
510 - Person in distress, other	3	0.31%
511 - Lock-out	9	0.94%
520 - Water problem, other	7	0.73%
522 - Water or steam leak	1	0.10%
531 - Smoke or odor removal	1	0.10%
550 - Public service assistance, other	10	1.04%
551 - Assist police or other governmental agency	5	0.52%
552 - Police matter	2	0.21%
553 - Public service	2	0.21%
554 - Assist invalid	5	0.52%
555 - Defective elevator, no occupants	1	0.10%
561 - Unauthorized burning	2	0.21%
571 - Cover assignment, standby, moveup	18	1.88%
600 - Good intent call, other	9	0.94%
611 - Dispatched & cancelled en route	18	1.88%
622 - No incident found on arrival at dispatch address	3	0.31%
651 - Smoke scare, odor of smoke	1	0.10%
652 - Steam, vapor, fog or dust thought to be smoke	1	0.10%
700 - False alarm or false call, other	24	2.50%
712 - Direct tie to FD, malicious false alarm	1	0.10%
713 - Telephone, malicious false alarm	2	0.21%
715 - Local alarm system, malicious false alarm	1	0.10%
730 - System malfunction, other	6	0.63%
733 - Smoke detector activation due to malfunction	9	0.94%
734 - Heat detector activation due to malfunction	2	0.21%
735 - Alarm system sounded due to malfunction	15	1.56%
736 - CO detector activation due to malfunction	10	1.04%

Only REVIEWED incidents included. Summary results for a major incident type are not displayed if the count is zero.
Does not include Imported data.

Detailed Breakdown by Incident Type		
INCIDENT TYPE	# INCIDENTS	% of TOTAL
740 - Unintentional transmission of alarm, other	6	0.63%
743 - Smoke detector activation, no fire - unintentional	7	0.73%
744 - Detector activation, no fire - unintentional	2	0.21%
745 - Alarm system activation, no fire - unintentional	15	1.56%
746 - Carbon monoxide detector activation, no CO	1	0.10%
800 - Severe weather or natural disaster, other	5	0.52%
812 - Flood assessment	1	0.10%
813 - Wind storm, tornado/hurricane assessment	1	0.10%
900 - Special type of incident, other	17	1.77%
911 - Citizen complaint	1	0.10%
TOTAL INCIDENTS:	959	100.00%

Only REVIEWED incidents included. Summary results for a major incident type are not displayed if the count is zero.
Does not include Imported data.

Newmarket Fire & Rescue

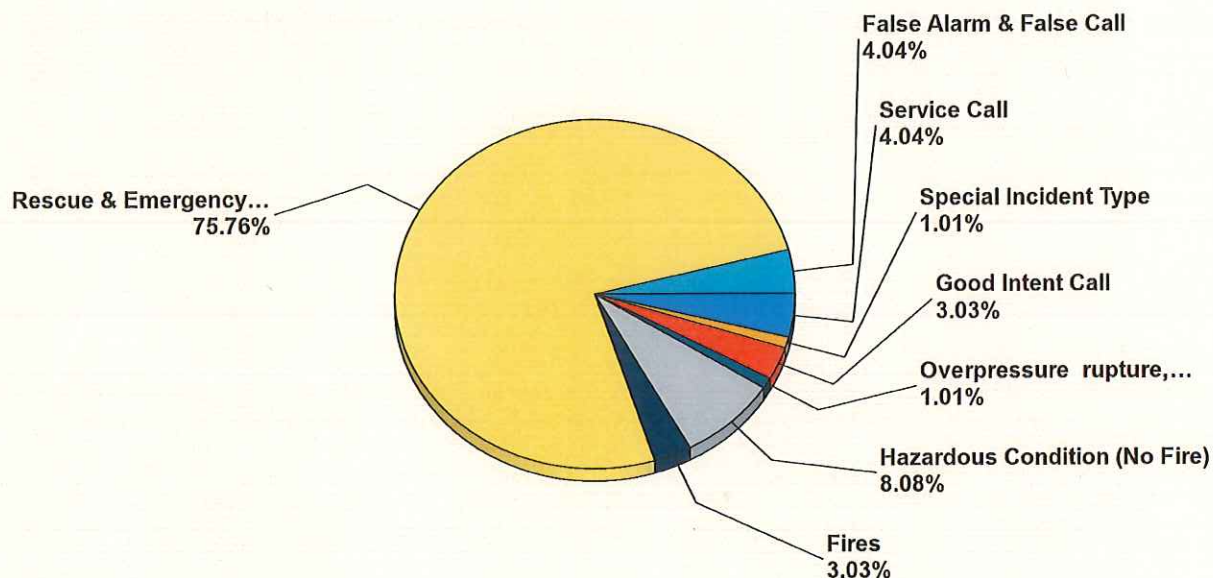
Newmarket, NH

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Breakdown by Major Incident Types for Date Range

Zone(s): All Zones | Start Date: 11/01/2018 | End Date: 11/30/2018



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	3	3.03%
Overpressure rupture, explosion, overheating - no fire	1	1.01%
Rescue & Emergency Medical Service	75	75.76%
Hazardous Condition (No Fire)	8	8.08%
Service Call	4	4.04%
Good Intent Call	3	3.03%
False Alarm & False Call	4	4.04%
Special Incident Type	1	1.01%
TOTAL	99	100.00%

Only REVIEWED incidents included. Summary results for a major incident type are not displayed if the count is zero. Does not include Imported data.

Detailed Breakdown by Incident Type		
INCIDENT TYPE	# INCIDENTS	% of TOTAL
100 - Fire, other	1	1.01%
112 - Fires in structure other than in a building	1	1.01%
114 - Chimney or flue fire, confined to chimney or flue	1	1.01%
240 - Explosion (no fire), other	1	1.01%
300 - Rescue, EMS incident, other	1	1.01%
320 - Emergency medical service, other	13	13.13%
321 - EMS call, excluding vehicle accident with injury	51	51.52%
322 - Motor vehicle accident with injuries	3	3.03%
324 - Motor vehicle accident with no injuries.	6	6.06%
381 - Rescue or EMS standby	1	1.01%
410 - Combustible/flammable gas/liquid condition, other	1	1.01%
412 - Gas leak (natural gas or LPG)	3	3.03%
424 - Carbon monoxide incident	4	4.04%
550 - Public service assistance, other	1	1.01%
551 - Assist police or other governmental agency	1	1.01%
554 - Assist invalid	1	1.01%
571 - Cover assignment, standby, moveup	1	1.01%
600 - Good intent call, other	1	1.01%
611 - Dispatched & cancelled en route	1	1.01%
651 - Smoke scare, odor of smoke	1	1.01%
736 - CO detector activation due to malfunction	2	2.02%
740 - Unintentional transmission of alarm, other	1	1.01%
745 - Alarm system activation, no fire - unintentional	1	1.01%
900 - Special type of incident, other	1	1.01%
TOTAL INCIDENTS:	99	100.00%

Only REVIEWED incidents included. Summary results for a major incident type are not displayed if the count is zero.
Does not include Imported data.

Newmarket Fire & Rescue

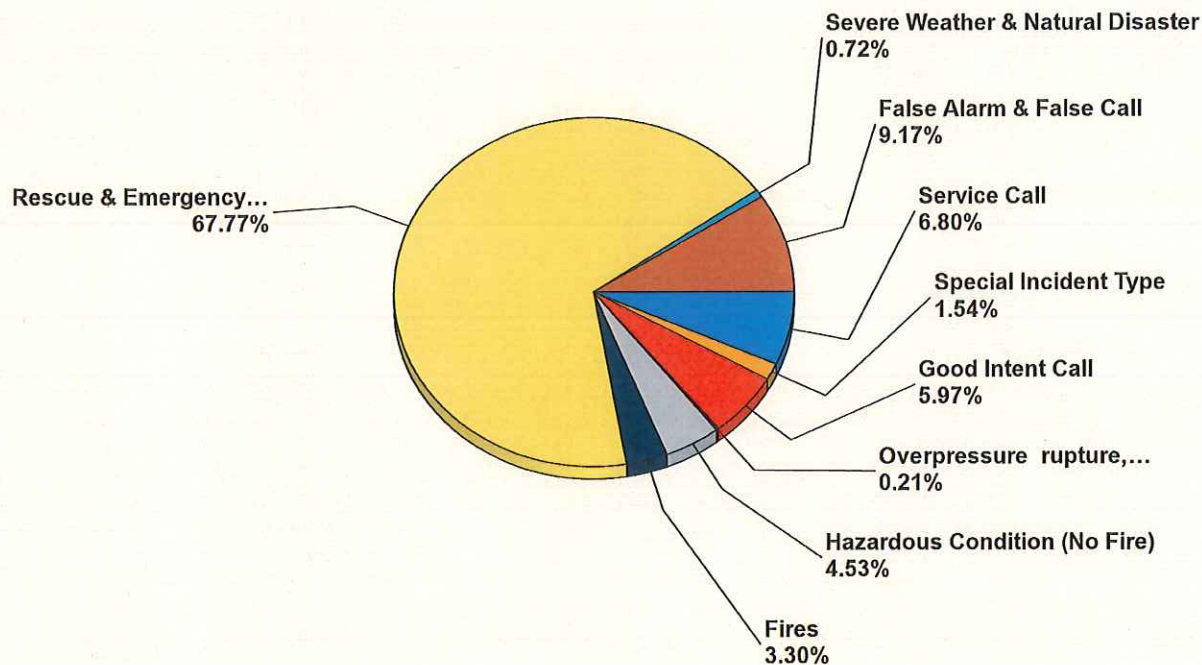
Newmarket, NH

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Breakdown by Major Incident Types for Date Range

Zone(s): All Zones | Start Date: 01/01/2019 | End Date: 11/30/2019



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	32	3.30%
Overpressure rupture, explosion, overheating - no fire	2	0.21%
Rescue & Emergency Medical Service	658	67.77%
Hazardous Condition (No Fire)	44	4.53%
Service Call	66	6.80%
Good Intent Call	58	5.97%
False Alarm & False Call	89	9.17%
Severe Weather & Natural Disaster	7	0.72%
Special Incident Type	15	1.54%
TOTAL	971	100.00%

Only REVIEWED incidents included. Summary results for a major incident type are not displayed if the count is zero. Does not include Imported data.

Detailed Breakdown by Incident Type

INCIDENT TYPE	# INCIDENTS	% of TOTAL
100 - Fire, other	3	0.31%
111 - Building fire	13	1.34%
113 - Cooking fire, confined to container	1	0.10%
114 - Chimney or flue fire, confined to chimney or flue	3	0.31%
130 - Mobile property (vehicle) fire, other	1	0.10%
140 - Natural vegetation fire, other	2	0.21%
141 - Forest, woods or wildland fire	2	0.21%
142 - Brush or brush-and-grass mixture fire	4	0.41%
151 - Outside rubbish, trash or waste fire	1	0.10%
153 - Construction or demolition landfill fire	1	0.10%
154 - Dumpster or other outside trash receptacle fire	1	0.10%
212 - Overpressure rupture of steam boiler	1	0.10%
223 - Air or gas rupture of pressure or process vessel	1	0.10%
300 - Rescue, EMS incident, other	2	0.21%
311 - Medical assist, assist EMS crew	9	0.93%
320 - Emergency medical service, other	28	2.88%
321 - EMS call, excluding vehicle accident with injury	587	60.45%
322 - Motor vehicle accident with injuries	10	1.03%
323 - Motor vehicle/pedestrian accident (MV Ped)	1	0.10%
324 - Motor vehicle accident with no injuries.	17	1.75%
340 - Search for lost person, other	1	0.10%
381 - Rescue or EMS standby	3	0.31%
400 - Hazardous condition, other	3	0.31%
410 - Combustible/flammable gas/liquid condition, other	1	0.10%
411 - Gasoline or other flammable liquid spill	1	0.10%
412 - Gas leak (natural gas or LPG)	12	1.24%
413 - Oil or other combustible liquid spill	3	0.31%
424 - Carbon monoxide incident	7	0.72%
440 - Electrical wiring/equipment problem, other	5	0.51%
442 - Overheated motor	1	0.10%
444 - Power line down	9	0.93%
445 - Arcing, shorted electrical equipment	2	0.21%
500 - Service Call, other	9	0.93%
511 - Lock-out	4	0.41%
520 - Water problem, other	6	0.62%
521 - Water evacuation	1	0.10%
531 - Smoke or odor removal	6	0.62%
550 - Public service assistance, other	13	1.34%
551 - Assist police or other governmental agency	4	0.41%
552 - Police matter	2	0.21%
553 - Public service	7	0.72%
554 - Assist invalid	4	0.41%
561 - Unauthorized burning	1	0.10%
571 - Cover assignment, standby, moveup	9	0.93%
600 - Good intent call, other	19	1.96%
611 - Dispatched & cancelled en route	24	2.47%
631 - Authorized controlled burning	1	0.10%
651 - Smoke scare, odor of smoke	10	1.03%
652 - Steam, vapor, fog or dust thought to be smoke	1	0.10%
661 - EMS call, party transported by non-fire agency	1	0.10%
671 - HazMat release investigation w/no HazMat	2	0.21%
700 - False alarm or false call, other	11	1.13%
711 - Municipal alarm system, malicious false alarm	1	0.10%
713 - Telephone, malicious false alarm	1	0.10%
714 - Central station, malicious false alarm	1	0.10%

Only REVIEWED incidents included. Summary results for a major incident type are not displayed if the count is zero. Does not include Imported data.

Detailed Breakdown by Incident Type		
INCIDENT TYPE	# INCIDENTS	% of TOTAL
715 - Local alarm system, malicious false alarm	1	0.10%
730 - System malfunction, other	3	0.31%
733 - Smoke detector activation due to malfunction	6	0.62%
734 - Heat detector activation due to malfunction	2	0.21%
735 - Alarm system sounded due to malfunction	11	1.13%
736 - CO detector activation due to malfunction	11	1.13%
740 - Unintentional transmission of alarm, other	6	0.62%
741 - Sprinkler activation, no fire - unintentional	1	0.10%
743 - Smoke detector activation, no fire - unintentional	9	0.93%
744 - Detector activation, no fire - unintentional	3	0.31%
745 - Alarm system activation, no fire - unintentional	21	2.16%
746 - Carbon monoxide detector activation, no CO	1	0.10%
800 - Severe weather or natural disaster, other	1	0.10%
813 - Wind storm, tornado/hurricane assessment	6	0.62%
900 - Special type of incident, other	14	1.44%
911 - Citizen complaint	1	0.10%
TOTAL INCIDENTS:	971	100.00%

Only REVIEWED incidents included. Summary results for a major incident type are not displayed if the count is zero.
Does not include Imported data.

Newmarket Fire & Rescue

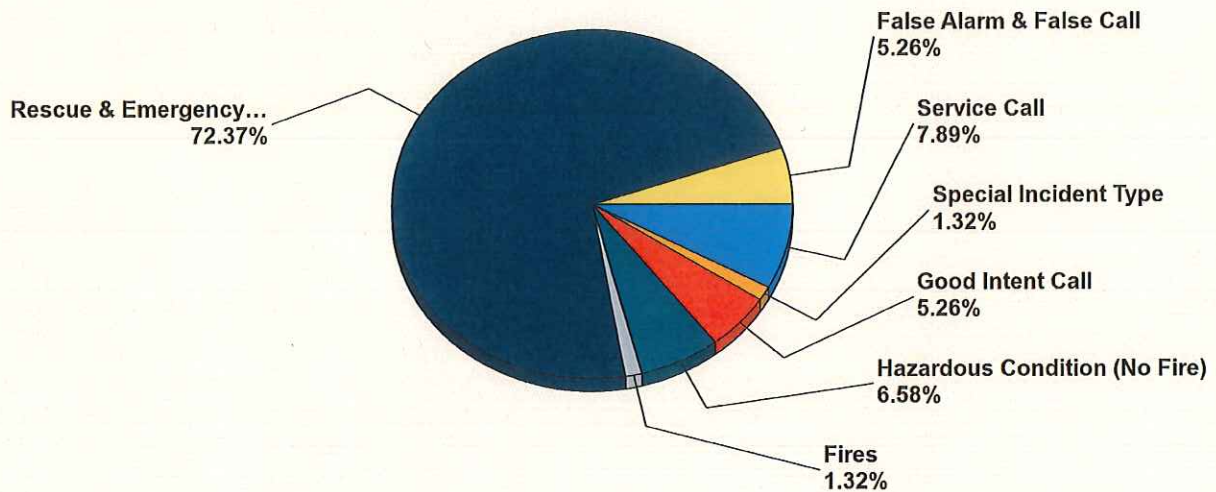
Newmarket, NH

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Breakdown by Major Incident Types for Date Range

Zone(s): All Zones | Start Date: 11/01/2019 | End Date: 11/30/2019



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	1	1.32%
Rescue & Emergency Medical Service	55	72.37%
Hazardous Condition (No Fire)	5	6.58%
Service Call	6	7.89%
Good Intent Call	4	5.26%
False Alarm & False Call	4	5.26%
Special Incident Type	1	1.32%
TOTAL	76	100.00%

Only REVIEWED incidents included. Summary results for a major incident type are not displayed if the count is zero. Does not include Imported data.

Detailed Breakdown by Incident Type		
INCIDENT TYPE	# INCIDENTS	% of TOTAL
111 - Building fire	1	1.32%
300 - Rescue, EMS incident, other	1	1.32%
320 - Emergency medical service, other	2	2.63%
321 - EMS call, excluding vehicle accident with injury	51	67.11%
322 - Motor vehicle accident with injuries	1	1.32%
424 - Carbon monoxide incident	3	3.95%
442 - Overheated motor	1	1.32%
444 - Power line down	1	1.32%
511 - Lock-out	1	1.32%
550 - Public service assistance, other	3	3.95%
551 - Assist police or other governmental agency	1	1.32%
571 - Cover assignment, standby, moveup	1	1.32%
600 - Good intent call, other	2	2.63%
611 - Dispatched & cancelled en route	2	2.63%
700 - False alarm or false call, other	1	1.32%
735 - Alarm system sounded due to malfunction	1	1.32%
741 - Sprinkler activation, no fire - unintentional	1	1.32%
745 - Alarm system activation, no fire - unintentional	1	1.32%
911 - Citizen complaint	1	1.32%
TOTAL INCIDENTS:	76	100.00%

Only REVIEWED incidents included. Summary results for a major incident type are not displayed if the count is zero.
Does not include Imported data.

Newmarket Fire & Rescue

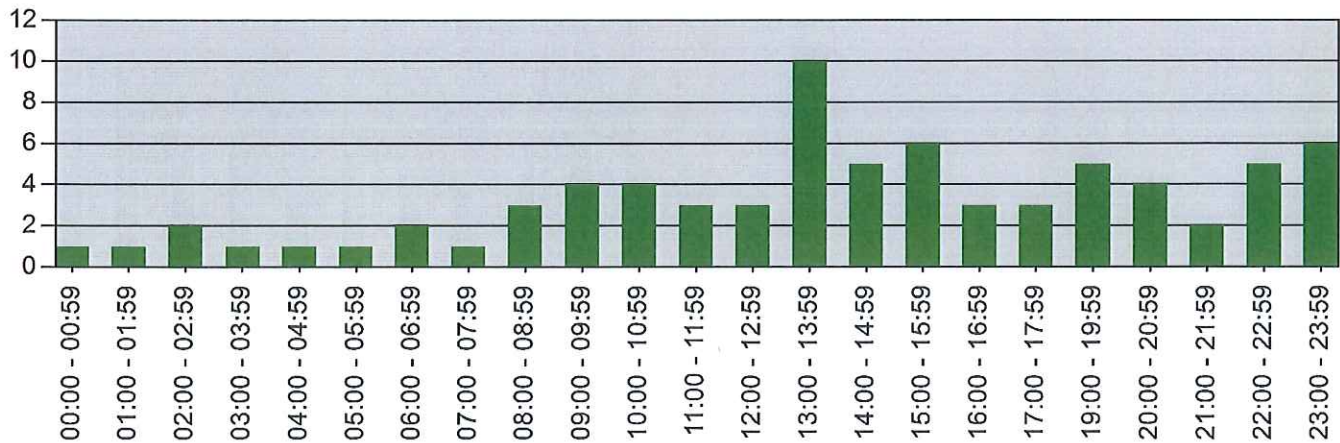
Newmarket, NH

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Incidents per Hour for Incident Type Range for Date Range

Start Incident Type: 100 | End Incident Type: 911 | Start Date: 11/01/2019 | End Date: 11/30/2019



Hour	# of CALLS
00:00 - 00:59	1
01:00 - 01:59	1
02:00 - 02:59	2
03:00 - 03:59	1
04:00 - 04:59	1
05:00 - 05:59	1
06:00 - 06:59	2
07:00 - 07:59	1
08:00 - 08:59	3
09:00 - 09:59	4
10:00 - 10:59	4
11:00 - 11:59	3
12:00 - 12:59	3
13:00 - 13:59	10
14:00 - 14:59	5
15:00 - 15:59	6
16:00 - 16:59	3
17:00 - 17:59	3
18:00 - 18:59	5
19:00 - 19:59	5
20:00 - 20:59	4
21:00 - 21:59	2
22:00 - 22:59	5
23:00 - 23:59	6
TOTAL:	76

Only REVIEWED incidents included.

Newmarket Fire & Rescue

Newmarket, NH

This report was generated on 12/2/2019 8:35:51 AM



Incident Detail for Aid Given and Received for Incident Type Range for Date Range

Incident Type Range: 100 - 911 | StartDate: 11/01/2019 | EndDate: 11/30/2019

INCIDENT DATE	INCIDENT #	ADDRESS	INCIDENT TYPE	SHIFT
AID TYPE: Mutual aid given				
11/04/2019	2019-920	18 Industrial drive	321 - EMS call, excluding vehicle accident with injury	1 - Station 1
11/22/2019	2019-961	22 ross RD	111 - Building fire	1 - Station 1
11/23/2019	2019-964	1 Stagecoach RD	321 - EMS call, excluding vehicle accident with injury	1 - Station 1
11/26/2019	2019-972	78 Peninsula drive	571 - Cover assignment, standby, moveup	1 - Station 1

Percentage of Total Incidents:

5.26%

AID TYPE: Mutual aid received				
11/03/2019	2019-917	290 Wadleigh Falls RD	321 - EMS call, excluding vehicle accident with injury	1 - Station 1
11/03/2019	2019-918	290 Wadleigh Falls RD	321 - EMS call, excluding vehicle accident with injury	1 - Station 1
11/14/2019	2019-939	9 Grant RD	321 - EMS call, excluding vehicle accident with injury	1 - Station 1
11/18/2019	2019-949	9 grant road	321 - EMS call, excluding vehicle accident with injury	1 - Station 1
11/21/2019	2019-957	100 Main st	321 - EMS call, excluding vehicle accident with injury	1 - Station 1
11/22/2019	2019-960	Cedar and Elm ST	321 - EMS call, excluding vehicle accident with injury	1 - Station 1
11/28/2019	2019-981	174 Lita LN	321 - EMS call, excluding vehicle accident with injury	1 - Station 1
11/30/2019	2019-983	8 Maplecrest	321 - EMS call, excluding vehicle accident with injury	1 - Station 1

Percentage of Total Incidents:

10.53%

Displays all incidents with aid given or received, and excludes incidents with neither. Percentages calculated from total number of incidents for parameters provided. Only REVIEWED incidents included.

Newmarket Fire & Rescue

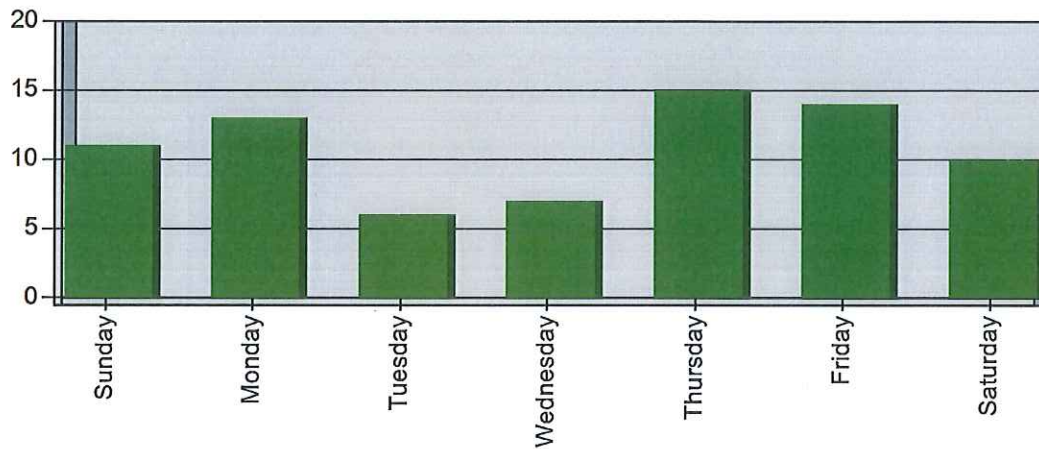
Newmarket, NH

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Incidents by Day of the Week for Date Range

Start Incident Type: 100 | End Incident Type: 911 | Start Date: 11/01/2019 | End Date: 11/30/2019



DAY OF THE WEEK	# INCIDENTS
Sunday	11
Monday	13
Tuesday	6
Wednesday	7
Thursday	15
Friday	14
Saturday	10
TOTAL	76



**EMERGENCY
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Page # 1

Public Works Department

The department has spent most of this month preparing for the plowing season. The salt shed has been filled. All the equipment has been serviced and plows have been installed. We have also been busy doing fall cleanup of all the town parks and properties and decorating the downtown for the holiday season.

The Bay Road Lubberland Creek Box Culvert project is complete. This project was a big undertaking for the department, and we were able to stay within budget. Other than a delay in the delivery of the concrete structure and the road reopening, there were no issues with the project.

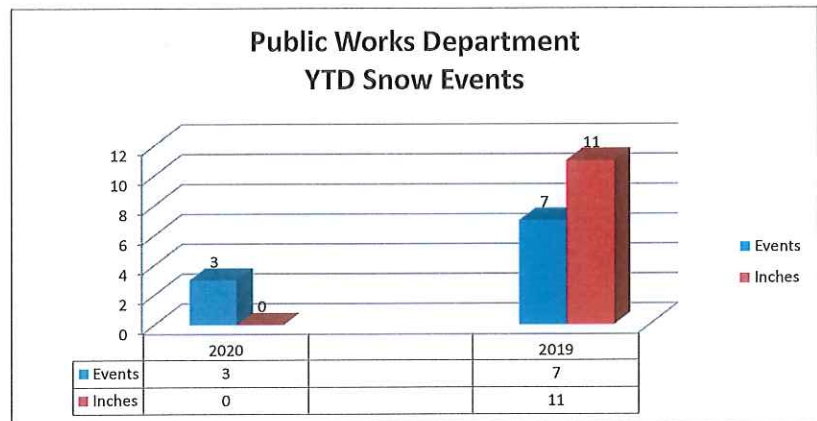
I will be working on having an updated road paving plan by March. The current plan has one year left of a six-year plan.

The sidewalk expansion plan is in a rough draft stage and almost complete. The final plan should be completed by the first of the year.

The new one ton plow truck has been delivered and put into service.

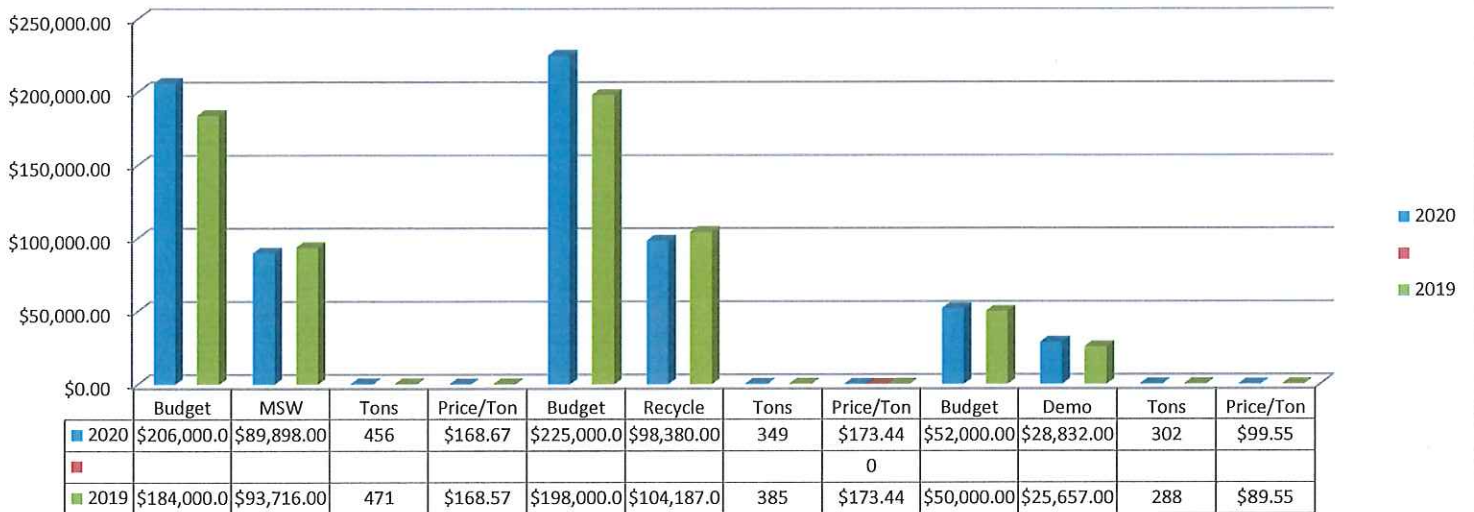
I have attached charts with activity reports for the month of November.

	Events	Inches
2020	3	0
2019	7	11



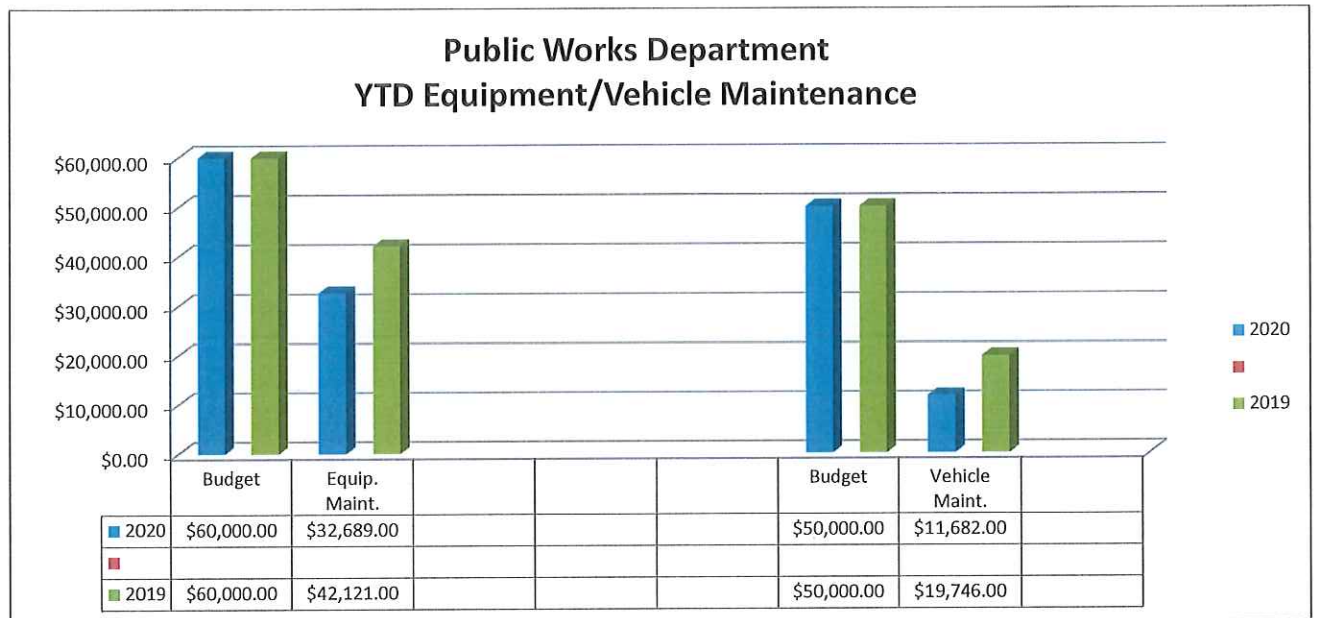
	Budget	MSW	Tons	Price/Ton	Budget	Recycle	Tons	Price/Ton	Budget	Demo	Tons	Price/Ton
2020	\$206,000.00	\$89,898.00	456	\$168.67	\$225,000.00	\$98,380.00	349	\$173.44	\$52,000.00	\$28,832.00	302	\$99.55
2019	\$184,000.00	\$93,716.00	471	\$168.57	\$198,000.00	\$104,187.00	385	\$173.44	\$50,000.00	\$25,657.00	288	\$89.55

Public Works Department YTD Solid Waste



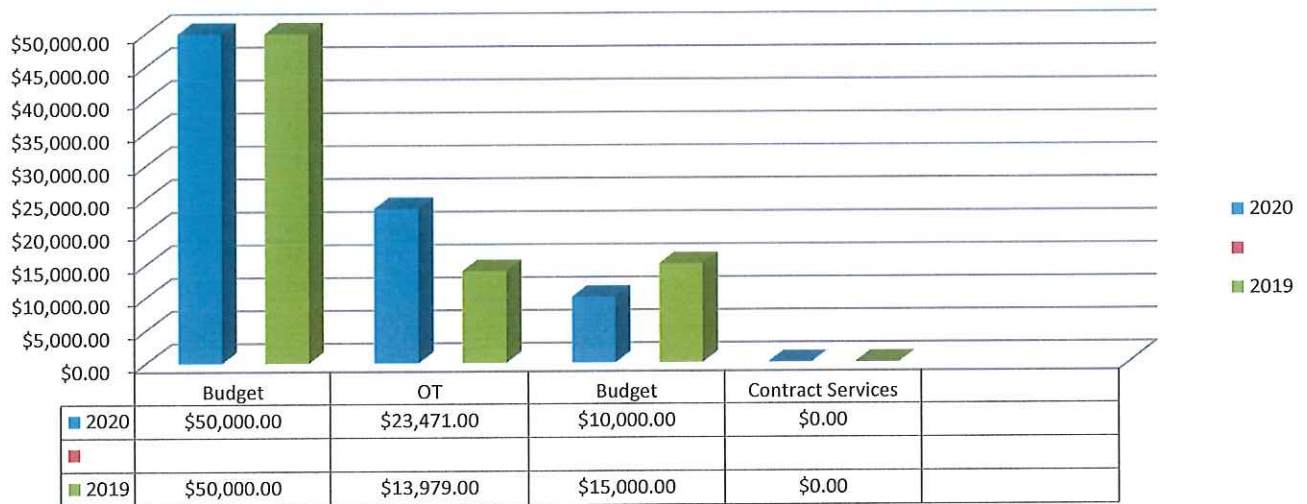
	Budget	Equip. Maint.
2020	\$60,000.00	\$32,689.00
2019	\$60,000.00	\$42,121.00

	Budget	Vehicle Maint.
	\$50,000.00	\$11,682.00
	\$50,000.00	\$19,746.00

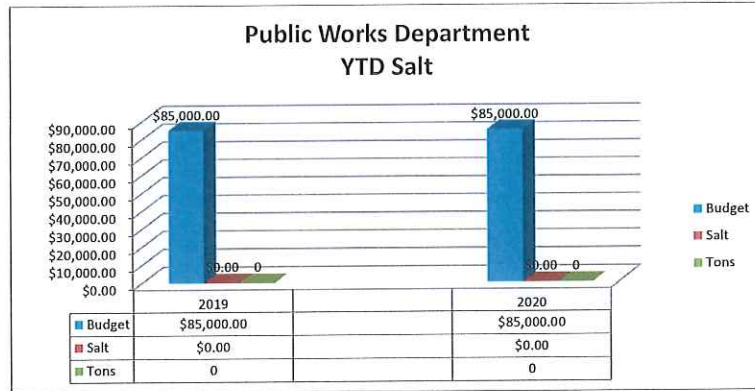


	Budget	OT	Budget	Contract Services
2020	\$50,000.00	\$23,471.00	\$10,000.00	\$0.00
2019	\$50,000.00	\$13,979.00	\$15,000.00	\$0.00

Public Works Department YTD Overtime/Contract Services

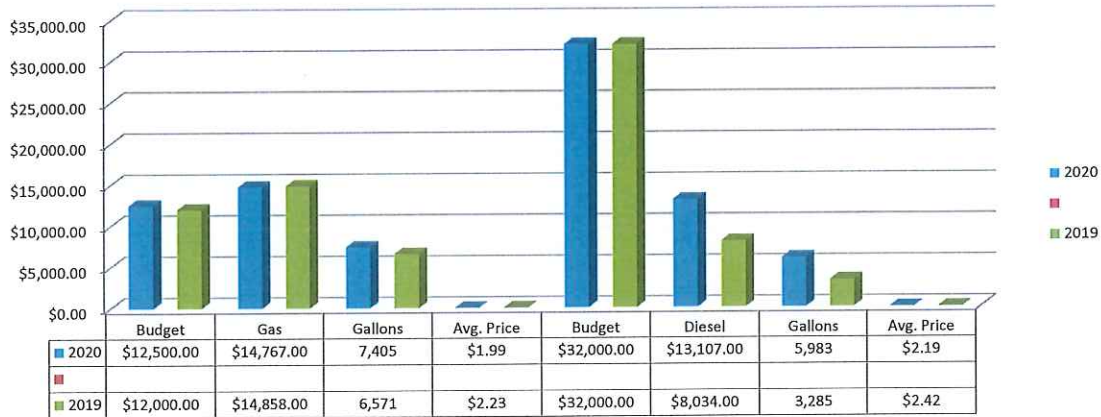


	Budget	Salt	Tons
2019	\$85,000.00	\$0.00	0
2020	\$85,000.00	\$0.00	0



	Budget	Gas	Gallons	Avg. Price	Budget	Diesel	Gallons	Avg. Price
2020	\$12,500.00	\$14,767.00	7,405	\$1.99	\$32,000.00	\$13,107.00	5,983	\$2.19
2019	\$12,000.00	\$14,858.00	6,571	\$2.23	\$32,000.00	\$8,034.00	3,285	\$2.42

Public Works Department YTD Gas/Diesel



Facilities Report

The Department continues to be very active with the school projects as well as several Town projects.

Town Hall installation of the HVAC systems are 100% complete, the interior lighting has been completed, the boilers have been installed, the energy management systems is 80% installed, the new heating zone valve have been completed within the building, and we are currently making system adjustments.

Public Works building roofing system report has been submitted with a secondary review being conducted by our engineering firm. The solar array installation has been started and is targeted for completion in November

The Police Department energy management system installation is 100%, but is up and running.

The Macallen Dam engineer of record proposal has been approved by the Town Council, we have placed the project out to a competitive process with the bid opening scheduled for December 6, 2019.

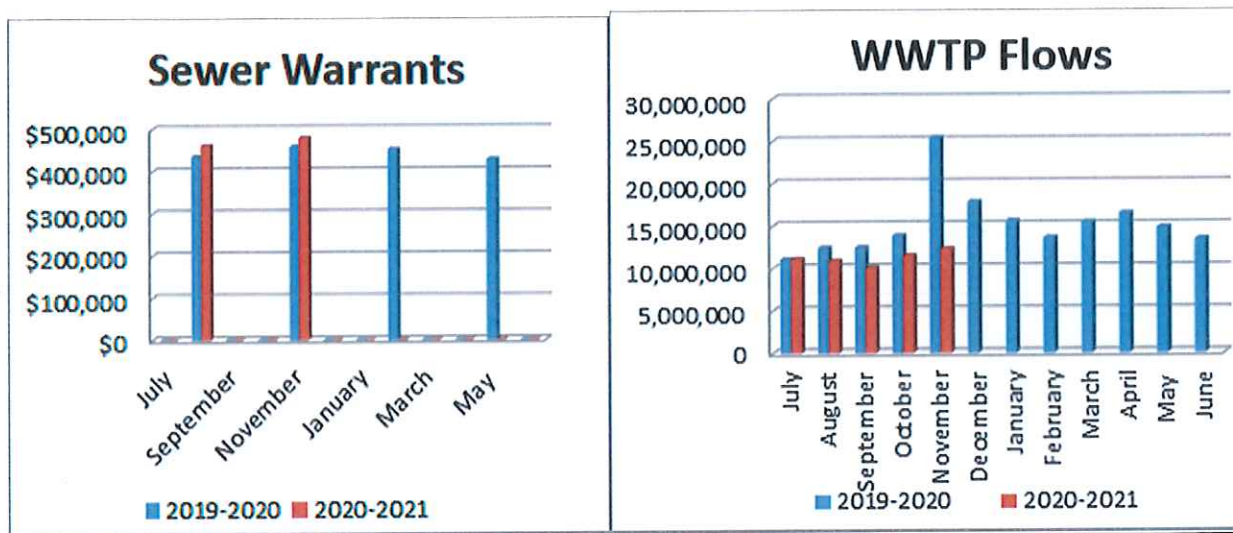
We have been working with Diane Hardy, Town Planner on our MS4 project, with us recently engaging with Underwood Engineers to help us with the filings.

The Newmarket Library has been working on designs and planning with the department along with an outside design firm for entrance pedestrian walking area improvement. We will be working on cost projections and Request for Proposal (RFP) in the near future. We will also be looking at interior improvement such as plaster and painting of areas throughout the Library. We will also be creating an estimate for a new ADA entrance to the library. We have just provided the library with three design options and costing structure to create a new main entrance that is fully accessible to those with disabilities. We installed an electric vehicle charging station, installed signage, and painted the parking space for use by electric vehicles to charge their cars.

The Department has been heavily focused on the school construction project, the school changes are quite dramatic, and we are on target to reopen for the new school year in September.

The Building and Grounds crews continue to do regular maintenance and grounds care throughout the town.

Environmental Services Department System Report



Newmarket WWTP receives PISCES Award

The Clean Water State Revolving Fund's Performance and Innovation in the SRF Creating Environmental Success(PISCES) program recognizes exceptional projects funded by Clean Water State Revolving Loan at the national level. Each participating state program nominated one project that demonstrated one or more of the following evaluation criteria:

- Water Quality, Public Health, or Economic Benefits
- Sustainability
- Innovation

The Town of Newmarket Wastewater Treatment Plant Project was selected to receive the PISCES award for EPA region 1.

Plant Operations

The Environmental Services Department is currently operating the Wastewater Treatment facility in a 4 stage Bardenpho configuration which is an advanced activated sludge process for nitrogen removal.

The operations and maintenance team is operating the two aeration basins and two secondary clarifiers for the

winter. Operating two aeration basins will add more mass and allow the process to operate more efficiently as the water temperature drops. We have seen the water temperature drop from 18.7 Celsius (65.7 F) to 14.0 Celsius (57.2 F) just this month.

We averaged 2.7mg/L of total nitrogen for the month of November. Our permit limit for Total Nitrogen is an 8 mg/L running Average for April thru October.

Our Wastewater personnel have been monitoring MLSS, RAS, SVI, and with a microscope operators look at the kind of microbiological population is present in the aeration basins. These tests help us to determine what adjustments need to be made as flows and water temperatures change.

Huber Press and Sludge Report

Press ran for 14 days

Total run hours - 208.5 Hrs

Total gallons pumped - 455,563 gal

Average feed sludge percentage - 0.40%

Average feed sludge temp - 13.8 °C

Average filtrate percentage - 0.08%

Average filtrate temp - 13.1 °C

Average solids capture rate - 79%

Average sludge percentage solids - 14.27%

Total monthly sludge tonnage - 41.08 Ton

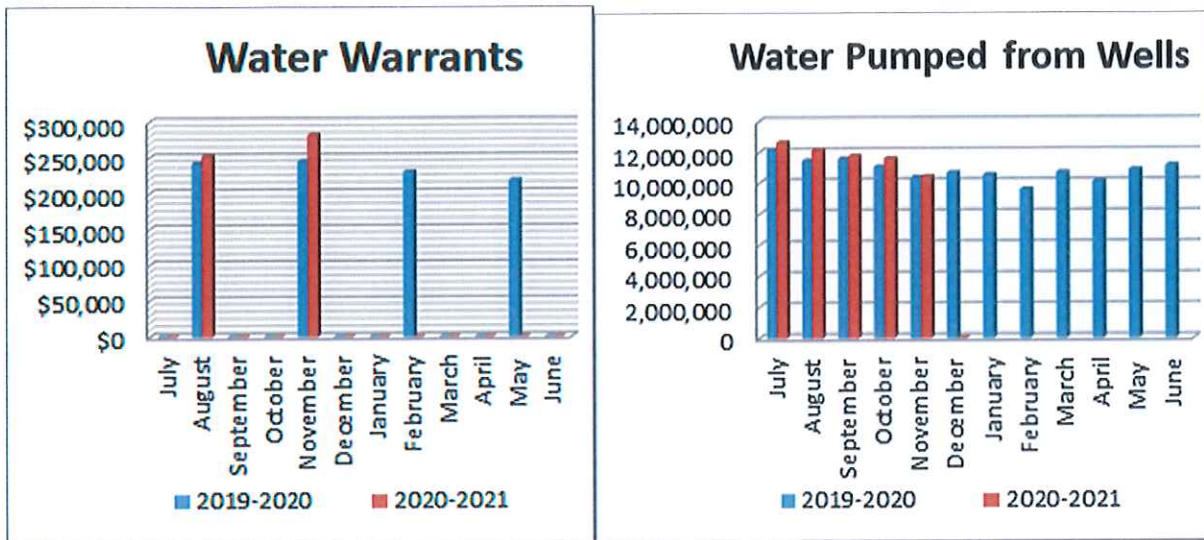
Monthly Operations Report															
Permit # NH00100196															
November-2019															
Primary Operator Sean Greig															
	Inf. Flow	Eff. Flow MGD			BOD		TSS		Nitrogen	PH		Fecal	Enter	Chlorine	
	MGD	Min	Max	Total	Inf.	Eff.	Inf.	Eff.		Inf.	Eff.	Colif.	ococci	Residual	
1	.4480	.49	1.0	.3810						7.8	7.3	2	8	0.00	0.00
2	.4470	.14	1.0	.4420						7.9	7.2	4	8	0.00	0.00
3	.4523	.15	1.0	.4490						7.9	7.2	2	22	0.00	0.00
4	.3932	.12	1.0	.3910						7.8	7.2	6	18	0.00	0.00
5	.3798	.14	1.0	.3830		6.6		3.3	2.7	7.7	7.2	18	20	0.00	0.05
6	.3712	.10	0.9	.4010		7.0		3.3	3.0	7.7	7.2	21	8	0.00	0.00
7	.3782	.12	1.0	.4130						8.0	7.2	4	3	0.00	0.00
8	.3841	.10	1.0	.4210						7.9	7.2	1	5	0.00	0.00
9	.3855	.15	1.0	.3810						8.0	7.3	1	6	0.00	0.00
10	.4004	.13	1.0	.3960						8.0	7.3	<2	6	0.00	0.06
11	.3868	.11	0.9	.3840						7.9	7.3	<2	5	0.00	0.00
12	.3614	.12	0.8	.3950		6.5		3.9	2.8	7.8	7.4	9	5	0.00	0.00
13	.3551	.12	0.9	.3540		6.4		4.2	3.1	7.9	7.2	2	4	0.00	0.00
14	.3459	.10	0.9	.3830						7.9	7.4	<2	20	0.00	0.00
15	.3455	.07	0.8	.3860						8.1	7.1	23	32	0.05	0.00
16	.3791	.16	0.9	.3790						8.0	7.3	1	3	0.00	0.00
17	.3880	.11	0.8	.3924						8.0	7.3	<2	2	0.00	0.00
18	.3700	.08	0.8	.3760	269	6.5	304	3.0	2.0	8.1	7.5	2	17	0.00	0.00
19	.3617	.14	0.8	.4100	354	6.7	228	3.5	2.3	8.0	7.2	3	12	0.00	0.00
20	.3583	.08	0.9	.4160						8.0	7.3	<2	6	0.00	0.00
21	.3597	.16	1.0	.3860						7.9	7.1	<2	3	0.00	0.00
22	.3660	.12	0.9	.4050						8.0	7.2	<2	4	0.00	0.00
23	.3868	.12	0.9	.3820						8.0	7.3	<2	2	0.00	0.00
24	.5081	.10	1.0	.5240		7.2		7.2	3.1	8.0	7.3	<2	3	0.00	0.00
25	.4555	.09	1.1	.4630		6.0		5.0	2.5	7.8	7.1	4	6	0.00	0.00
26	.4213	.20	0.9	.4650						7.8	7.2	<2	12	0.00	0.00
27	.4244	.16	0.9	.4950						7.8	7.1	<2	10	0.00	0.00
28	.4454	.22	1.0	.4680						7.6	7.2	<2	4	0.00	0.00
29	.4144	.19	1.0	.4130						7.7	7.2	<2	3	0.00	0.00
30	.4220	.15	0.8	.4130						7.7	7.2	<2	3	0.00	0.00

Average Wastewater Flow Discharged: 0.4116 Million Gallons/Day; Total gallons for August 12,347,000

Biochemical Oxygen Demand (BOD) Removal: 98%, Average Discharge per day: 6.6 mg/L; Permit Limit 30mg/L

Total Suspended Solids (TSS) Removal: 98%, Average Discharge per day: 4.2 mg/L; Permit Limit 30 mg/L

Total Nitrogen (TN) Average Discharge per day: 2.7 mg/L, 9.3 lbs; Administrative Order Permit Limit 8mg/L



The Water Department repaired a water service that failed at the water main at 1-3 Bay Road on November 4, 2019.

The Water Department completed the water meter equipment and software upgrade in November.

The Water Department performed its first required round of testing for PFOA and PFOS (PFAS Per- and Polyflouroalkyl Substances). Samples were taken and processed from the Bennett, Sewall and MacIntosh wells. All samples results were no detection of PFOA and PFOS.

	PWS 1731010 - Newmarket Water Works					
	Water Quality Monitoring					
	Sampled By	BMT				
	Monthly Monitoring For					
Site	Location	Date/Time	PH	Temp 'C	PO4 mg/L	Free Cl2 mg/L
1	Lamprey	11/6/19 0754	8.71	16.6	0.51	0.75
2	Racquet Club	11/6/19 0819	8.6	16.4	0.52	0.07
3	L+M	11/6/19 0840	8.52	25	0.48	0.12
4	Aubucchon	11/13/19 0905	8.61	14.5	0.55	0.19
8	Public Works	11/13/19 0825	8.79	11.7	0.53	0.21
9	Town Hall	11/13/19 0845	8.59	15	0.51	0.15
Week	Well Site	Date/Time	PH	Temp 'C	PO4 mg/L	Free Cl2 mg/L
1	Bennett	11/6/19 1113	8.35	9.4	0.58	0.82
1	Sewell	11/6/19 1147	8.14	11.8	0.27	0.76
1	Mac Blend	11/6/19 1150	8.66	11.4	0.58	0.16
2	Bennett	11/13/19 0938	8.36	8.9	0.63	0.69
2	Sewell	11/13/19 0945	8.21	11	0.18	0.39
2	Mac Blend	11/13/19 1000	8.61	12.1	0.54	0.18

PO4 - Phosphate is added to the water for corrosion control.

Cl2 - Sodium chloride is added to the water to control bacterial growth.

NOVEMBER PUMPING TOTALS 2019							
Date	Bennett	140gpm*	Sewall	210gpm*	Mac Well	300 gpm*	
	Hrs	Gallons	Hrs	Gallons	Hrs	Gallons	Total
1	7.8	65,155	7.8	98,529	8.3	150,000	313,684
2	11.1	93,177	11.1	140,051	10.8	196,600	429,828
3	11.7	97,728	11.7	147,135	11.5	212,700	457,563
4	8.2	68,533	8.2	102,617	7.6	137,700	308,850
5	9.1	76,087	9.1	114,794	9.2	166,900	357,781
6	9.9	82,474	9.9	124,107	9.4	170,700	377,281
7	7.2	60,334	7.2	90,729	7.2	130,000	281,063
8	9.7	81,308	9.7	122,279	9.1	167,000	370,587
9	7.9	66,300	7.9	99,840	8.0	144,400	310,540
10	10.1	84,700	10.1	126,800	9.2	166,000	377,500
11	8.3	68,950	8.3	104,210	8.7	158,200	331,360
12	9.2	78,056	9.2	117,000	8.4	151,700	346,756
13	7.7	64,034	7.7	91,929	8.1	147,400	303,363
14	9.7	80,635	9.7	121,331	8.8	160,000	361,966
15	7.0	58,157	7.0	87,379	7.3	131,900	277,436
16	11.5	96,600	11.5	148,680	11.4	215,628	460,908
17	10.4	86,788	10.4	129,917	9.4	170,700	387,405
18	7.8	64,708	7.8	97,785	8.2	148,800	311,293
19	9.9	83,058	9.9	124,989	9.3	168,700	376,747
20	7.1	60,000	7.1	90,200	7.0	126,499	276,699
21	9.4	78,666	9.4	118,368	9.2	164,900	361,934
22	7.3	60,947	7.3	91,708	7.1	128,700	281,355
23	9.9	83,156	9.9	124,864	9.6	178,800	386,820
24	9.5	79,928	9.5	119,588	8.6	156,000	355,516
25	8.1	67,833	8.1	102,726	8.6	155,900	326,459
26	9.6	81,037	9.6	121,813	9.3	170,300	373,150
27	7.4	62,082	7.4	93,342	7.2	130,700	286,124
28	9.7	81,077	9.7	121,902	9.4	170,800	373,779
29	7.2	60,271	7.2	90,662	7.0	127,100	278,033
30	9.5	79,700	9.5	119,939	9.2	167,500	367,139
31							
Total	268.9	2,251,478	269	3,385,213	262.1	4,772,227	10,408,919
AVG. Day	8.9	75,049	8.9	112,840	8.7	159,074	346,964
Max Day	11.7	97,728	11.7	147,135	11.5	212,700	457,563

Information Technology

This report outlines the department's activities for the month of November.

The majority of this month's work has been typical end user support and system maintenance and replacement with additional assistance being provided to the energy efficiency and the Tyler/Munis projects.

1. Continued work on the Siemens energy efficiency project, largely troubleshooting endpoint connectivity and IP addressing issues.
2. Provided application installation support for the Tyler Cashiering module for all staff involved with billing and collections.
3. Ongoing monitoring of one of the town's servers which continues to go beyond the safe limits of utilized disk space (<1 GB available). Planning for retirement of the server is underway. The server replacement will be part of a consolidation and relocation that will improve stability, business continuity and security for town systems, applications and data.
4. The IT Service Desk: 46 incidents, 21.46 hours of support.

As the Channel 13 station manager is supervised by the Finance & IT Director, it seems appropriate to highlight some of its activities and numbers. During the month of November Channel 13 did the following:

- The team covered 11 Town and School meetings plus an additional 3 non-meeting events for the Town and School in Newmarket.
- The streaming channel had 278 unique users visits from the seacoast area, Canada, and the Maldives.
- The Channel 13 Facebook page added 15 new followers, had 2,354 post engagements and 6,351 video views.

Financials:

	Budget	MTD Transactions	YTD Transactions	Balance	% Spent
FY2020	\$206,757	\$16,462.22	\$131,448.02	\$28,558.98	86.2
FY2019	\$211,745	\$8,316.48	\$116,253.54	\$95,491.46	54.9

It should be noted that the budget and expenditure numbers are substantively different from last year, including the percentage spent amounts, due to the fact that last prior year's budgets included Channel 13 while the FY2020 budget does not. This change alters both the totals and % spent. Were the IT and Ch. 13 numbers combined in the FY2020 budget, as in past years, the percent spent would be 59% instead of 86.2%.



Office of Building Safety, Zoning Enforcement and Health

Previous Month's Activities

Permit Issued			
Building	8	\$4155	
Electrical	7	\$564	*1 paid with Bldg Permit
Plumbing	3	\$190	*1 paid with Bldg Permit
Mechanical	12	\$680	*3 paid with Bldg Permit

Month-end Revenue

\$5589

- Inspection work load has been down a bit. Some properties have required multiple re-inspections, which is a little disappointing, but the overall load is down.
- Continued enforcement of bandit signs on public property - the number of signs removed this month was drastically reduced. Consistent enforcement seems to pay off.
- Attended Strafford County Transportation Advisory Committee Meeting to prioritize regional transportation enhancement projects
- Worked with 2 property owners to mitigate trash complaints
- Maintained better than 90% YTD departmental cost recovery through permit user fees

Town Clerk - Tax Collector

TAXES

Total Committed 2019	\$23,561,537	Tax 1 & Tax 2
Total Collected 11/30/19	\$12,923,596	Prin & Int

TAX LIENS

	2018 Liens (Deed 2021)	2017 Liens (Deed 2020)	2016 Liens (Deed 2019)
Property Tax Amount Liated	245,556	209,116	216,555
# Properties Liated	76	61	71
Uncollected thru 11/30/19	94,171	73,522	0

WATER & SEWER (1/1 THRU 11/30/19)

	2019	2018
Water Billed	991,429	892,949
Sewer Billed	1,834,302	1,731,660
Uncollected thru 11/30/19	430,812	467,942

TOWN CLERK REVENUE (7/1/18 thru 11/30/19)

	Year End 6/30/19	Year End 6/30/18	
Motor Vehicle (MV)	694,295	660,311	5.15% increase
Town "non-MV"	61,565	58,204	5.77% increase
State NH (MV, Vitals, Boats, Dogs)	229,173	224,760	1.96% increase

- Motor vehicles still on the upswing
- Daily activity steady
- Tax bills coming in slow and steady; Due Date 12-18-2019

Planning Department

Planning Board Activities

Status of approved applications of the Planning Board:

Rockingham Golf, LLC (a.k.a. Chinburg Builders, Inc.) has completed the residential open space design subdivision, involving 52 house lots, at the site of the Rockingham Country Club at 200 Exeter Road. The development, "Rockingham Green", envisions the golf course to remain open to the public, and the adjacent wetlands to be preserved as open space. The developer has received Certificates of Occupancy (COs) for all fifty two (52) homes. The subdivision is 100% built-out. The final paving was done on October 5. The developer and town engineers have completed a final inspection, but a few minor issues still need to be resolved. It is expected that the road will be presented for acceptance by the Town Council at a meeting some time after the first of the year. At their December 4, 2019 meeting, the Town Council accepted Hayden Place, located off Bald Hill Road, as a Town road, which was also developed by Chinburg Builders, Inc.

Newmarket Industrial Park Lots 6 and 7, LLC/Shearwater Investment Corporation – The owners of the Industrial Park have purchased parcels which front on NH Route 108 in order to create two new industrial sites at the Industrial Park. As part of an earlier project, the intersection of Forbes Road and Route 108 was improved with a right turn lane and larger turning radii in coordination with the NH Department of Transportation (DOT). The developer announced shortly thereafter the tenant for the expansion on the adjacent parcel backed out of the project. The applicant returned to the Planning Board for consideration of a scaled down version of the project. The new project involves the construction of a 24,000 square foot stand-alone industrial building on Lot 7 and a boundary adjustment in order to modify the two (2) lots so they are larger and have more frontage than required. Following a review by the Technical Review Committee (TRC), that project received a conditional approval at the April 2018 Planning Board meeting.

The Planning Board received a second application from the Maplewood and Vaughan Holding Co. LLC for a new 22,000 square foot industrial building on adjacent Lot 6. Following a review by the Technical Review Committee (TRC) and the Town's engineering consultant, the Planning Board conditionally approved the application at the July 2018 meeting. Construction has progressed. At this time, the majority of off-site improvements at the intersection of Forbes Road and Route 108 is nearly (98%) complete. Earlier this month, the applicant put down striping and will mill/reclaim in the spring for permanent paving. The development team has indicated that excavation work related to the two sites will continue for possibly two (2) years or more.

Minor Site Plan Review of Skyfall LLC/Erik Potts of property at 82 Exeter Road, involving an addition to the proposed automotive repair garage and retail sales facility. This application was conditionally approved at the Planning Board meeting on November 12.

Boulder Brook Subdivision - Jarib M. Sanderson – Robin Realty Newmarket Trust/Tuck Realty Corporation filed an application for a Special Use Permit for a residential open space design subdivision involving 11 lots at 36 Dame Road, Tax Map U2, Lot 297, and Bay Road, Tax Map U2, Lot 320, both in the R1 Zone. The special use permit was conditionally approved by the Planning Board at the July 2016 meeting following a site walk and review by the Technical Review Committee (TRC) of the Planning Board. The subdivision application was

submitted in August of that same year and was conditionally approved at the November 15, 2016 Planning Board meeting. Construction was started in April 2017. At this time, one building permit for a single family home is open and six (6) Certificates of Occupancy have been issued for completed homes. An inspection of the roadway was held in August 2019. Given there is still a punch list of items to be completed, the final top coat of asphalt on the roadway will not occur until spring of 2020, which is when the road is expected to be completed and accepted by the Town Council as a town road.

Eric DeWitt, 81 Exeter Road, Tax Map U3, Lot 137. The Planning Board conducted a Design Review for a mixed-use project located in the B-1 Business zone. The applicant wishes to remove the existing structures on the site and construct a two story building. The first floor would be commercial space to allow for two small businesses and the second floor would house eight studio style apartments. The project was well-received by the Planning Board which discussed issues with stormwater and driveway access. The application was accepted for formal review by the Planning Board at the June 12, 2018 meeting. After the Technical Review Committee met three (3) times over the course of several months and several iterations of the plan were completed, the Planning Board conditionally approved the project at its meeting on December 11, 2018. The applicant has received the driveway permit from the New Hampshire Department of Transportation. At their June 11, 2019 meeting, the Planning Board extended the time frame for meeting the conditions of approval for another six months and waived the payment of impact fees on three of the nine units proposed in the mixed-use development. The applicant has submitted revised plans. The applicant has requested a re-consideration of the impact fee waiver, which was approved at the November 12, 2019 Planning Board meeting. The Planning Board approved another six (6) month extension of the conditional approval, to allow for State approval of the revised sewer design and to finalize the Developer's Agreement.

Request of Jennifer and Christopher Schuyler, owners of 20 Packers Falls Road and Michael E. Anderson and Kristin Blue of 16 Packers Falls Road for a boundary line adjustment. The adjustment involves the conveyance of .62 acre from one lot to the other, leaving both lots in full conformance with the Town's Zoning Regulations. The application was conditionally approved at the December 10, 2019 Planning Board meeting.

Application for a Minor Site Plan Review requested by Newmarket Holdings LLC/Greg Bird and Matt Lyle to add two new dwelling units to a mixed-use property located at 72 Main Street, Tax Map U2, Lot 53. The application was accepted for technical review and conditionally approved at the December 10, 2019 Planning Board meeting.

Site Plan Review Application of Selectwood Property aka Lamprey Falls, LLC, Map U-2, Lot 359 on Bay Road. This project, which was approved by the Newmarket Planning Board in September 2008, laid dormant for several years. The proposal involves the historic adaptive re-use of a former warehousing building into 15 market rate housing units. Construction has moved along at a slow, but steady pace. Recently, the contractors completed some of the exterior site work including the construction of retaining walls and the pedestrian ramp. No further site work is anticipated this year, but next spring the developer plans to grade the site and pave the parking area.

77 Hersey Lane, LLC (Walter Cheney) and Chinburg Builders, LLC, 77 Hersey Lane, Tax Map R4, Lot 3, R2 Zone. The Planning Board conducted a design review for an 11 Lot Residential Open Space Development on a 13 acre lot off the Class VI road portion of Hersey Lane. Comments were received from the abutters at the July 9, 2019 Planning Board meeting. The public hearing was continued to August 13, 2019 Planning Board meeting at which time additional information to complete the Special Use Permit application was considered. The Planning Board deemed the application to be complete and accepted it for a site walk and review by the Technical Review Committee. A site walk of the property was held on Tuesday, August 20. The project was conditionally approved for a Special Use Permit at the Planning Board meeting on November 12.

CRC Future Corporation Application for a 28 unit single family residential development at Hersey Lane, Tax Map R5, Lot 132. The applicants have requested a modification to the final subdivision and site plan approval that was approved in 1987 and revised on June 12, 2012. The applicant has decreased the overall density from the original plan which called for 52 units (26 duplex units). The Planning Board approved this request with conditions pertaining to updated stormwater management plans, copies of state and federal permits, and the submission of "as-built" drawings at its November 12, 2019 meeting.

Future Land Use Plan and Zoning Changes. At its November 2016 meeting, the Planning Board prioritized action items for implementing the recommendations of the Future Land Use Chapter as part of the Master Plan Update. The top priorities, which were to be brought forward for consideration for zoning changes was the implementation of Continuing Care Retirement Community (CCRC) and Skilled Nursing Facility (SNF) Overlay District which had been both recommended by the Economic Development Committee (EDC). The Planning Board subcommittee met several times to review reference materials related to these housing concepts and other zoning changes. The Planning Board forwarded a new Skilled Nursing Facility Overlay District on New Road to the Town Council for consideration at the end of the summer of 2017. The Town Council held a public hearing at the October 18, 2017 meeting and unanimously adopted the ordinance. At a joint meeting in 2018, the Town Council and Planning Board discuss strategies to advance gateway development, the Continuing Care Retirement Community (CCRC) concept and other zoning initiatives. The Town has hired a planning/development consultant to assist bringing forward to the Planning Board and Town Council specific development plans and zoning changes to implement gateway development. The Consultant has met with several property owners and other stakeholders to seek input from the public. An update was presented by the Town's planning consultant at a joint Planning Board and Town Council meeting on November 20.

Master Plan Update - The Town has entered into a Planning Services Agreement with Strafford Regional Planning Commission (SRPC) to update the Water Resource Chapter of the Town's Master Plan. The current chapter was last updated in 2009. Over the past decade, the town has experienced significant changes in the patterns and intensity of growth and land development. Additionally, climate conditions produced flood and storm events as well as periods of severe drought, resulting in environmental concerns and placing high demand on the Town's municipal water supply and local aquifers. During the past few years, new issues have emerged including sea level rise, tightening water supply restrictions related to PFOA, PFOS and other contaminants that threaten our water resources. During this timeframe, the Town has made much progress in meeting the future water

demands related to drinking water and is now participating in the MS4 Stormwater Management Program. The current water resource chapter needs to be updated to reflect upon these efforts and what this means to the Town going forward. This project will be partly funded with grant funds that have been made available through the NH DES Local Source Water Protection Grant program. The subcommittee began its work at a meeting on November 25, 2019. The grant funds will be available for this project until June 2020.

FEMA Floodplain Maps and Ordinances- The Federal Emergency Management Agency (FEMA) has sent the Town new Flood Insurance Rate Maps (FIRM). Whenever new maps are produced, communities, such as Newmarket, which are participating in the National Flood Insurance Program, are required to have ordinances in place which are compliant with federal regulations. The NH Office of Strategic Initiatives (OSI) has conducted a compliance review of our regulations and forwarded recommendations for updating. The Planning Board will need to make amendments to the zoning, subdivision and site review regulations to assure Newmarket's continued eligibility in the program. The Planning Board had set up a subcommittee to work with the staff on these amendments for consideration at a future meeting. There has been an appeal regarding the preliminary floodplain maps. The deadline for adopting new maps and revising the zoning ordinance has, therefore, been postponed. Copies of the preliminary floodplain maps are available for public viewing in the Planning Office and have been posted on the Town's website. Recent discussions with the NH OSI/FEMA representative indicated the flood maps will not be available to be adopted until the fall of 2020.

Zoning Board of Adjustment - A public hearing will be held on Monday, November 18 on a variance request to permit one dwelling unit on a property with less than 7,260 square feet which does not meet current residential density requirements. The property is located at 90 Main Street.

Special Projects

MS4 Program - Planning staff continues to monitor progress with respect to the MS4 program by attending the Seacoast Stormwater Coalition Meetings. The Coalition has organized a program to assist communities in the region with meeting the minimum NPDES permit requirements to help minimize costs and prevent the duplication of services at the local level for work tasks such as outreach, the bulk purchase of water quality monitoring equipment and shared contracting for laboratory work. On January 18, 2017 the US Environmental Protection Agency (EPA) authorized the much-debated and highly anticipated General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) for New Hampshire. The effective date of the permit was July 1, 2018. In May 2017, the Town Council voted unanimously to join the efforts of the NH Stormwater Coalition to appeal the MS4 permit that was issued by EPA and awaits a decision from the courts on the appeal. Meanwhile, the Town is proceeding with its compliance responsibilities under the terms of the permit. The Town submitted a Notice of Intent (NOI) on October 1, 2018 to EPA, which is first step in the MS4 process. The NOI provides a summary of best management practices to be employed by the Town under the five (5) year MS4 program to address public education and outreach, public involvement and participation, illicit discharge detection and elimination, construction site stormwater runoff control, post construction stormwater management, and good housekeeping and pollution prevention measures. The staff continues to attend Seacoast Stormwater

Coalition meetings to keep ahead of new developments with respect to the program. An internal committee of Town Departments, the Town Administrator and Town's engineering consultant have been meeting periodically to provide input into the planning process. The Town has started mapping stormwater outfalls. A draft of that map should be available this fall. A Stormwater Management Plan (SWMP) was completed on June 30, 2019. The Town staff is working with Underwood engineering which is providing engineering services related to the SWMP. A public informational meeting was held on June 26, 2019 at 1:00 pm in the Town Council chambers of the Town Hall to introduce the MS4 program to the public and solicit public input on the draft Stormwater Management Plan. A web page has been provided on the Town's website with various documents related to the MS4 Permit including the new Stormwater Management Plan and annual reports. The Town submitted its first annual report to EPA on October 1, 2019.

Stormwater Management Regulation Update - In 2017, the Town received a grant from the Setting Sail Program, a NOAA Project of Special Merit, to update the Town's stormwater regulations. The new regulations will reflect state of the art thinking about stormwater and new technologies that have been developed for stormwater management. These new regulations will assist the Town in meeting requirements under the MS4 Program as well as provide the town with more resiliency against coastal hazards, riverine flooding, and sea-level rise. A workshop was held at the Planning Board meeting on February 13, 2018 and further clarifications were requested on the draft ordinance. Funding to continue the process was been provided by the Strafford Regional Planning Commission (SRPC) from NH Coastal Program funds in the Fall of 2018. The Planning Board set up a new committee to work with the SRPC and the town's planning staff on revisions. The subcommittee has held two meetings and presented revised drafts to the Planning Board in January 2019. meeting. The staff is in the process of reviewing and incorporating the comments into the draft document. The Town has learned that the time frame for completion of ordinances to regulate runoff from new and redevelopment sites has been extended under June 30, 2021. The Strafford Regional Planning Commission (SRPC) has recently made additional funding available for their staff to continue working with the Planning Board and its subcommittee in order to bring forward another iteration of the regulations for consideration by the full Planning Board this fall.

Culvert Replacement at Lubberland Creek - The Town has received two grants from the New Hampshire Department of Environmental Services: from the Coastal Resilience Grant Program and the Aquatic Resource Mitigation Program, to support projects aimed at enhancing resilience to current and future coastal hazards. The grants will fund the replacement of a tidal culvert at the Bay Road crossing of Lubberland Creek in 2019. The Town is working in partnership with The Nature Conservancy (TNC) on this project. This project is listed as a priority in the Hazard Mitigation Plan that was recently approved by the Town Council and the NH Department of Homeland Security and Emergency Management. A resolution was approved by the Town Council to authorize the Town Administrator to sign the two grant agreements at their March 6, 2019 meeting. The Governor and Council approved both grant awards from the NH Department of Environmental Services in mid-April. Construction has started at the site. This project has been completed. An update to this project has been provided in the Public Works Department's monthly report.

Finance Department

This report will briefly explain the department's activities for the month of November.

Munis Project:

1. The Human Capital Management module is 72% complete. Payroll data being reviewed between the Munis and Munismart systems for accuracy. There have been some data refresh issues and application interface issues this month with the Employee Self Service (ESS) module unavailable for employee data entry (to practice entering time). The issues have resulted in additional work for internal project staff, but the timeline is still intact.
2. The Tax module is 60% complete. The Tyler Cashiering solution has been installed on all systems requiring it. A system overview is to be conducted in December to familiarize end users.
3. The Utility module is at 38% complete.
4. Preparing for the Central Property and Permits & Code Enforcement module implementations. Initial data gathering and extraction from the Assessment system (Vision) has been done and work is continuing in this area. No report on percent complete as the project plan is still being prepared by the vendor project manager.

Operations:

1. Processing accounts payable, payroll, human resource paperwork, conducting bank reconciliations, etc.
2. The Macallen Dam bond application was approved by the NH Municipal Bond Bank, the loan agreement will be completed and submitted in December.
3. Water project financing inquiries have been made with various lending institutions in the state. Initial discussions are promising.

Financials:

	Budget	MTD Transactions	YTD Transactions	Balance	% Spent
FY2020	\$266,948	\$16,482.22	\$169,626.69	\$79,481.47	70.3
FY2019	\$254,750	\$9,232.01	\$111,067.58	\$143,682.42	43.6

Recreation Department

Recreation Finance Report:

Revolving Account Revenue: According to the financial records from our in-house Rec Desk Registration Software, revenue generated through this system came in at \$108,431 for the end of November. We are approximately \$12,546 HIGHER than the YTD report of revenue in the Rec Desk software system which reported us at \$95,885 at this same time last year.

According to the *Revolving Fund* YTD end of November, we have spent \$198,574 of our budget, which is still somewhat higher than last year at this same time. As stated last month, we are in the time of year where our revenue does not exceed our current year expenses as most of our summer camp revenue for this fiscal year is collected in the previous fiscal year.

Our *General Fund* expenditures are slightly over to where we were the previous year coming in at \$78,413 YTD. This is 36% of our \$214,431 budget used YTD.

Community Events:

The Very Merry Main Street: The Very Merry Main Street time of year began the last week of November and will continue throughout the month of December. Once again, the Very Merry Main Street concept encompasses all holiday happenings in Newmarket under one marketing umbrella. The Rec created this marketing umbrella logo and concept several years ago under our Rec Connect communication collaboration program. The Rec collects the holiday happening info from various organizations and publishes it both online and in print to help keep town residents stay informed on all the holiday events that are happening in town. The Very Merry Main Street posters with a 3 week date schedule were distributed around town in mid-November. In regards to the Town sponsored holiday events, the Rec ran its *Annual Free Holiday Kids Party* at the Millspace on Saturday, December 7th and hosted the *31st^h Annual Giving Tree & Tree Lighting ceremony* in Arbor Park. We will share more on both events in the December report.

General Programming:

High 5 Pre K Sports Program: Our Pre K Flag Football program ended on Thursday, November 21st. 35 total children participated in the program which is an increase of 16 children from last year. The next sport we offer is basketball, which begins on Thursday, January 16th. 21 children are currently enrolled for this program. We have seen an increase in our evening enrollment and now offer two separate sessions for families to choose in the evening to accommodate the numbers and the lack of indoor space available. Children ages 3-5 are encouraged to participate in four of the five Pre K sports we offer throughout the year in order to earn a medal and trophy.

Cartooning: Our Cartooning program is coming to an end, the participants have been doing different holiday pieces and cartoon characters. They are working on their showcase pieces as well as continuing being creative with their own ideas

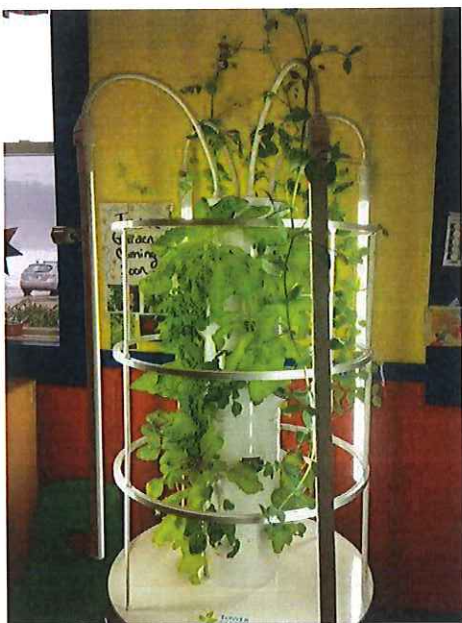


and art. This program consistently shows us how much the elementary school kids enjoy cartooning after school.

Hip Hop: Hip Hop has been going so well this fall, the participants are consistently excited to dance and see their favorite instructors. Both Junior Jam and Kinder Hip Hop have been highly requested for the New Year as well as Pre-K Hip Hop which had a growing waitlist. With an extra instructor we were able to expand the class size of Pre-K Hip Hop which made families very happy. As was briefly discussed with the school department, we are still interested in brainstorming more opportunities to use space at the school in order to run Rec programs right after school, in the school! The hip hop program is one that could work well for this scenario.

Dance Classes: Throughout the fall our four dance programs have continued to grow with already great numbers of signed up participants it is exciting to see families bring in siblings and cousins to our dance programs. As this fall session comes to a close we are discussing schedules for the New Year as well as adding costume pieces

into the mix for the Recitals. Our instructor Miss Clare continues to be supportive and encouraging to all participants.



Playgroup: Fall playgroup has finished with decent weather the playgroup participants were able to get a lot of playtime outside this fall in both the garden and playground. The instructor Miss Erin has been continuing efforts to help the tower garden grow and all of the plants have grown tremendously. The children have been asking to try the vegetables and love watching it grow. As some families have moved around their attendance days for the Winter Playgroup we were able to get a few new families into the program.

Sustainable Art: Sustainable Art is our program with our partner Unchartered Tutoring, this is our second program we are trying to collaborate with this partner. The class is all about teaching sustainable ways to create art and how to be more sustainable in your environment. Due to the marketing and enrollment of these programs, we are not planning on continuing the partnership with Unchartered Tutoring after this program. Enrollment did end up reaching the 8 minimum we needed to run the class and families have given positive feedback about enjoying the concept of this program. We are discussing ways to keep something like this art program going at the Rec.

Gymnastics: Our gymnastics programs for Pre-K and Kindergarten have come to a close with a successful first run under our practicum instructor's development. The class consisted of introducing gymnastics basics including stretching and movements in the class as well as incorporating mat usage and fun games. We are pleased that our practicum UNH student Julia (who came to us with an extensive gymnastics background) was able to get this program off the ground for us this past fall. We made 100% profit for this fall program. The class was so successful that we have decided to continue with our instructor Julia, and put her on payroll for the next session.

Sunrise Sunset Center

Trips: A full Rec bus went to the North Shore Theater this month to see the popular show, The BodyGuard featuring the music of Whitney Houston. The group took time out for lunch at a local Bertucci's Restaurant before the show. Everyone raved about the performance and a few fans even sang the Whitney Houston hits all the way home from Beverly.

The November Mystery Supper Club was held at Hebert's Restaurant in Portsmouth. Twenty guests enjoyed delicious seafood and more at this local favorite dining spot. Many of our members often dine alone so the Supper Club offers them a nice change of pace enjoying dinner with others while engaging in conversation and friendship. The mystery behind the destination is also a fun factor in this outing.

Our lady shoppers filled their shopping bags on our Annual Holiday Shopping trip this month. This year we chose the Southern Maine area stopping at a variety of stores from Wells to York and ending in Kittery at a few of the outlets. The Rec bus was packed with holiday gifts by the end of the day and the ladies had a fun day as they shopped till they dropped.

We chose Connie's Stagecoach in Salisbury, MA for our Breakfast Club group. We're always in search of new destinations for this early morning excursion. The Stage Coach got two thumbs up from the group for great food and service and driving the beach road home is always a special treat for our attendees.

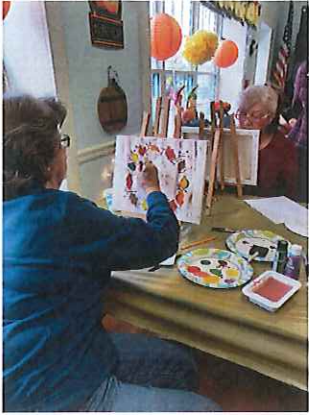
Tuesday Talks: Gina Ginest, M.Ed. joined us this month to present 'Understanding and Connecting with Each Other in Challenging Life Moments'. This interactive Tuesday Talk was a lot of fun for our group. Gina set up different scenarios providing story lines and conflicts for each group to work out. They learned about personality styles and how they do and don't work well together. Gina will be the facilitator of our new Wellness Program starting in January. Her presentation was well received and several attendees look forward to participating in the new monthly program in the New Year.

Programs: The Sunrise Breeze Winter Newsletter was released this month offering up new programs and trips along with a list of Holiday Events in the Newmarket Community. We're looking forward to initiating two new programs this winter. In addition to the *Wellness for Our Third Act* we have the *Fit to Garden* program where we'll be working with the UNH Occupational Therapy Dept., UNH Cooperative Extension, Master Gardeners and more. We have approximately 20 people signed up for the Fit to Garden Program which will include everything from gardening information to exercise and nutrition. We are very excited about this project and what it will bring.

Several of our seniors are interested in continuing with the Indoor Soccer Program at Seacoast United this winter and both Chair and Mat Yoga have regular participants. Bone Builders and Bingo continue to be favorites with high attendance.

After finishing up on their holiday art projects the Random Acts of Art Club had a fun Paint Day with volunteer art instructor Linda Pasakarnis. Linda guided the ladies through the Thankful Wreath project where each of them added their own creative touches choosing unique colors and embellishments. The outcome is always much

anticipated as no two paintings are ever the same.



The Sunrise Center hosted the AARP Driver's Safety Course in November. We had 14 drivers in attendance getting a refresher course on valuable defensive driving techniques. The group provided positive feedback on the instructor and the content of the course. We plan to continue to offer the class each year in the fall before winter weather hits to help our aging drivers.

Respectfully submitted by

Aimee Gigandet

Recreation Director



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Founded December 15, 1727
Chartered January 1, 1991

TOWN OF NEWMARKET, NEW HAMPSHIRE

ATTACHMENTS:

Description	Upload Date	Type
Resolution #2019/2020-14 - Downtown TIF Transfer of Funds from CIP	11/15/2019	Cover Memo

CHARTERED JANUARY 1, 1991

FOUNDED DECEMBER 15, 1727



TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council

Resolution # 2019/2020-14
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 has paid debt service interest of \$2,539.49 on July 15, 2019 and principal and interest totaling \$82,218.75 on January 15, 2020.

NOW, THEREFORE BE IT RESOLVED that the Newmarket Town Council does hereby approve a transfer of \$84,758.00 from the Downtown TIF Capital Reserve Fund to the General Fund for the purpose of paying the fiscal year 2020 Downtown TIF debt service.

First Reading: December 4, 2019

Second Reading: December 18, 2019

Approval: December 18, 2019

Approved: _____
Toni Weinstein, Chair Town Council

A True Copy Attest: _____
Terri Littlefield, Town Clerk



Town Hall
186 Main Street
Newmarket, NH 03857

Tel: (603) 659-3617
Fax: (603) 659-8508

Founded December 15, 1727
Chartered January 1, 1991

TOWN OF NEWMARKET, NEW HAMPSHIRE

STAFF REPORT

DATE: December 18, 2019

TITLE: Resolution #2019/2020-15 - Moody Point Association Agreement

PREPARED BY: Sean Greig

TOWN ADMINISTRATOR'S COMMENTS - RECOMMENDATION:

I recommend passage of this agreement

BACKGROUND:

The Moody Point community Association (MPCA) wells that supply their water system have become influenced by salt water intrusion. The Water Department has been working with the Moody Point Association to extend a water main from the Town's water system on Bay Road to the MPCA's water system. So that the Town would supply Moody Point with water. Moody Point will be paying the Town back for the water main extension from Bay Road to MPCA through a betterment fee.

DISCUSSION:

Does the Town Council want to authorize the Town Administrator to enter into an agreement with Moody point for the Town of Newmarket to extend a Town water main located on Bay Road to the MPCA water system. So that MPCA will be supplied water by the town and will receive water bills for consumption and betterment fees.

FISCAL IMPACT:

Moody Point's homeowners will be paying for the project through betterment fees

RECOMMENDATION:

I recommend that the Town Council authorize the Town Administrator to enter into an agreement with MPCA. So that the Town will extend its water main and supply MPCA with water.

ATTACHMENTS:

Description	Upload Date	Type
Resolution 2019/2020-15	11/25/2019	Cover Memo

CHARTERED JANUARY 1, 1991

FOUNDED DECEMBER 15, 1727



TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council

Resolution 2019/2020-15
Moody Point Community Association Agreement

WHEREAS: Moody Point Community Association (MPCA) have become influenced by salt water;
and

WHEREAS: MPCA has worked with the Newmarket Water Department to secure a funding package
from Rural Development to extend the Bay Road water main to the MPCA water system;
and

WHEREAS: MPCA homeowners will pay for the water main extension though a betterment fee.

NOW, THEREFORE, BE IT RESOLVED BY THE NEWMARKET TOWN COUNCIL THAT: the
Newmarket Town Council authorizes the Town Administrator to enter into agreement with MPCA to
extend and connect the Bay Road water main to the MPCA water system to supply the MPCA water.

First Reading: December 4, 2019

Second Reading: December 18, 2019

Approval: December 18, 2019

Approved: _____
Toni Weinstein, Chair Town Council

A True Copy Attest: _____
Terri Littlefield, Town Clerk

AGREEMENT

**By and Between the
TOWN OF NEWMARKET, NEW HAMPSHIRE,
and the
MOODY POINT COMMUNITY ASSOCIATION
for the
EXTENSION OF WATER MAIN AND PROVISION OF TOWN WATER**

THIS AGREEMENT is entered into as of the _____ day of _____, 2019 (this “**Agreement**”), by and between the **TOWN OF NEWMARKET, NEW HAMPSHIRE** (the “**Town**”), acting through its Town Council, and the **MOODY POINT COMMUNITY ASSOCIATION (“**MPCA**”)**. This Agreement shall be effective as of the date first written above (the “**Effective Date**”).

WHEREAS, the Town, acting through its Water Department, is engaged in the business of supplying water services to residents of the Town through a system of water mains and related facilities (the “**Town Water Supply**”);

WHEREAS, MPCA’s members (the “**MPCA Members**” or the “**Members**”) are the owners of 101 lots within a development in the Town located on the shores of Great Bay and known colloquially as Moody Point (“**Moody Point**”);

WHEREAS, 95 of the lots in Moody Point have been improved with homes as of the Effective Date, and an additional six lots may have homes in the future, but one lot owner receives water from a private well and has agreed with MPCA that, at this time, it will not receive public water and will not be included in any betterment;

WHEREAS, MPCA represents its Members in matters pertaining to Moody Point’s infrastructure, including the provision of water and wastewater management, and presently obtains its water supply through a privately-owned well system in need of upgrades to address saltwater intrusion and related water quality issues;

WHEREAS, rather than upgrade its privately-owned water supply, MPCA, acting through a unanimous vote of its Members present at a meeting held on April 6, 2019, ratifying a resolution adopted by its Board of Directors on March 20, 2019, authorized the Board of Directors’ designees and legal counsel to negotiate, in the best interests of MPCA, an agreement with the Town to fund and construct a water line extension connecting Moody Point to the Town Water Supply (the “**Moody Point Connection**”);

WHEREAS, the Moody Point Connection requires the Town to extend the water main located within the layout of Bay Road (the “**Water Main**”) by approximately 530 feet, then

southeasterly beneath Cushing Road by approximately 4,600 feet, then potentially beneath land owned in common by the Members (the “**Moody Point Common Land**”) by approximately 130 feet to a Pressure Reduction Valve (the “**PRV**”), with all water metering appurtenances associated with backflow presentation, metering and pressure control to be installed by the Town within MPCA’s well house located off Eagle Drive (the “**Well House**”), subject to changes due to the final engineering design, which work is referred to herein as the “**Cushing Road Water Main Extension Project**,” or the “**Project**”;

WHEREAS, at the annual town meeting on March 12, 2019, residents of the Town voted in favor of Article 11 of the Town Meeting Warrant, thereby authorizing the Town to raise funds, via loans and grants from state and federal agencies, and to spend these funds on several projects to upgrade existing water mains, bring a new well online, improve the water treatment facility, and undertake the Cushing Road Water Main Extension Project (the “**Water System Upgrades**”);

WHEREAS, the Town has been awarded a loan and grant by the United States Department of Agriculture (the “**USDA**”) under the Rural Development Program (collectively, the “**USDA Funds**”), which will be used to fund some of the Water System Upgrades, including the Cushing Road Water Main Extension Project;

WHEREAS, MPCA acknowledges that use of these USDA Funds for the Cushing Road Water Main Extension Project comes with financial and technical conditions and stipulations that the Town shall abide by as set forth by the USDA;

WHEREAS, the Town will retain ownership of and responsibility for the Water Main extending beneath Bay Road and Cushing Road up to a valve installed at the Moody Point Common Land property line, but, upon substantial completion of the Project, shall transfer to the MPCA ownership of and responsibility for the water main and all water metering appurtenances associated with backflow prevention, metering and pressure control installed on the Moody Point Common Land as part of the Cushing Road Water Main Extension Project;

WHEREAS, MPCA will retain ownership of and responsibility for the Well House and the network of pipes running to the individual homes within Moody Point (the “**MPCA Water Distribution System**,” or the “**Distribution System**”); and

WHEREAS, the homeowners and lot owners within Moody Point who will be served by the Town Water Supply through the MPCA Water Distribution System (collectively, the “**Owners**,” and each an “**Owner**”) currently include 100 of the 101 MPCA Members;

NOW THEREFORE, pursuant to the authority granted by the Town’s Charter and every other legal authority, for good and valuable consideration, the receipt of which is hereby acknowledged, the Town and MPCA (each a “**Party**,” and collectively, the “**Parties**”) hereby agree as follows:

A. The Cushing Road Water Main Extension Project Construction

1. Process for Awarding the Cushing Road Water Main Extension Project.

Subject to the provisions of this Agreement, the Town shall, in accordance with its usual and customary practice, plan, design, layout, install, and construct the Project as shown on engineering plans to be provided by the Town (the “**Engineering Plans**”). In taking the steps necessary to award, construct, and complete the Project, the Town shall involve MPCA as follows:

- a. The Town shall provide MPCA with a set of the Engineering Plans and the Request for Proposals (the “**RFP**”) before it is published.
- b. The Town shall provide the engineer’s recommendation for the selected contractor to the MPCA at the same time this information is provided to USDA and to the Newmarket Town Council. MPCA understands that use of the USDA Funds for the Project limits the flexibility of contractor selection to the lowest responsive and responsible bidder.

2. Review and Approval of Engineering Plans. Prior to the start of construction, the Town shall provide MPCA, for review and comment, a copy of the Engineering Plans that the Town sends to USDA and the New Hampshire Department of Environmental Services (“**NHDES**”). MPCA’s review will be completed in conjunction with the necessary USDA and NHDES reviews. MPCA shall not unreasonably withhold, delay or condition such review and comment. Upon approval by USDA and NHDES, the Engineering Plans shall be deemed **Exhibit A** hereto, whether or not so attached, and shall be incorporated by reference as if fully set forth herein.

3. Specifications for the Engineering Plans. As set forth in the Engineering Plans, the Cushing Road Water Main Extension Project shall adhere to the following specifications:

- a. Fire Hydrants. Along Cushing Road from its intersection with Bay Road to its intersection with Eagle Drive, fire hydrants shall be placed no less than 600 feet apart, unless the Town’s Fire Chief, in consultation with the Environmental Services Director, determines that a greater separation is warranted given the sparse population in this area. The Environmental Services Director and Project Manager shall seek the Fire Chief’s recommendation when preparing the Engineering Plans. To facilitate flushing, one fire hydrant shall be placed in a location deemed appropriate by the Project Engineer in the vicinity of the southernmost end of Cushing Road and/or the northernmost end of Eagle Drive.
- b. Water Main Diameter. The diameter of the Water Main that will run beneath Cushing Road to the MPCA Water Distribution System shall be no less than eight inches. Whether the diameter should be greater than eight inches will be determined in accordance with best engineering practices for maintaining the quality of the water based on the expected water flow and usage within Moody Point under existing conditions,

including the approximately three-inch diameter piping that comprises the Distribution System. The Town may require the installation of a Water Main beneath Cushing Road with a diameter larger than required by best engineering practices as determined above, provided that this diameter does not lessen the quality of water provided to Moody Point.

4. **Permits and Approvals.** The Town shall be solely responsible for the procurement of all approvals, authorizations, certificates, licenses, and permits from local, state, and federal authorities required for the construction of the Cushing Road Water Main Extension Project (the “**Permitting**”). MPCA agrees to cooperate and participate reasonably as necessary to aid in the Permitting and shall in good faith provide assistance as the Town may from time to time reasonably request in a manner that will not delay the construction of the Project.

5. **Construction Schedule and Responsibilities**

- a. **Work Progress.** MPCA recognizes that improvements to the Water Main outside of the Cushing Road Water Main Extension Project limits are needed to adequately supply MPCA and other Town Water Supply projects and will move forward in tandem with the Project. The Town intends to complete the Cushing Road Water Main Extension Project as soon as possible, and to complete all other projects associated with the USDA Funds by 2024.
- b. **Progress Meetings.** The Town shall meet with the designated representative of MPCA identified in Section G.5 (the “**MPCA Representative**”) in accordance with the following schedule, unless both Parties agree to a different schedule in writing:
 1. **Prior to Construction.** During the period beginning on the date on which the Town enters into an obligation agreement with USDA for the USDA Funds and ending on the date on which construction on the Cushing Road Water Main Extension Project begins, meetings shall be held no less than once a quarter.
 2. **During Construction.** Beginning with the commencement of construction and lasting through the completion of construction of the Cushing Road Water Main Extension Project, meetings with the MPCA Representative shall be held once a month, either in person or by telephone as the Environmental Services Director’s schedule permits, provided that the Water Department shall inform MPCA of any change orders, changes in the Project budget, or changes in the design of the Project as soon as is practicable upon obtaining knowledge of the change, and the Environmental Services Director or Project Manager shall meet either in person or by telephone to discuss the change if requested by the MPCA Representative. The Environmental Services Director and the

Project Manager shall each provide the MPCA Representative with a phone number and an email address where they can be contacted expediently and shall notify the MPCA Representative of any changes in this contact information.

- c. Document Inspections. The Town shall afford MPCA the opportunity to inspect records and documents pertaining to the Cushing Road Water Main Extension Project, including but not limited to plans and change-work orders, as the work is being performed.
- d. Diligent Pursuit. The Town shall cause the selected contractor to proceed diligently with the Cushing Road Water Main Extension Project so as to complete the Project as promptly as is practicable. MPCA understands the need for other Water Main-related improvements in addition to the Project to effectively serve MPCA. The Town is working to coordinate these projects to be completed as promptly as practicable.

6. Standard of Care for Construction Work; Notification; Sewer Force Main

The Town shall ensure that all construction is performed in a safe and workman like manner in accordance with best construction management practices and best engineering practices and in accordance with all applicable local, state and federal laws. The Parties acknowledge that the Cushing Road Water Main Extension Project will entail work within the same area as the existing sewer force main that serves Moody Point (the “Sewer Force Main”). In the event that the Sewer Force Main is damaged, the Town shall notify the MPCA Representative as soon as possible after learning of the damage and shall ensure that the contractor repairs the damage as soon as possible in a good and workmanlike manner and in accordance with all applicable local, state and federal laws. In the event that any repairs will interrupt the use of the Sewer Force Main, representatives of the Town and the Project engineering team and the MPCA Representative shall meet and shall agree upon the measures necessary to limit interruption of use of the Sewer Force Main to the maximum extent possible, to ensure that all Owners are notified of any unavoidable interruption of use of the Sewer Force Main, and to address the needs of the Owners during an unavoidable interruption.

The Parties also acknowledge that the Cushing Road Water Main Extension Project may require the relocation of portions of the Sewer Force Main. Prior to any relocation work that would interrupt use of the Sewer Force Main by Moody Point, representatives of the Town and the Project engineering team and the MPCA Representative shall meet and shall agree upon the relocation and the measures necessary to avoid any interruption of use of the Sewer Force Main to the maximum extent possible, to ensure that all Owners are notified in advance of any unavoidable interruption of use of the Sewer Force Main, and to address the needs of the Owners during any unavoidable interruption.

Any costs attributable to the reconstruction, relocation, and interruption of the Sewer Force Main shall be included in the Project Cost (as that term is defined hereafter) and shall be assessed in accordance with Section E of this Agreement.

Costs necessary to repair damage caused by the Town or its agents or representatives, or to repair damage caused by the contractor or subcontractors or the Project engineering team, shall be Project Costs and shall not be separately chargeable to MPCA. To the extent that the Town is able to recover monies from the party causing such damage and cost, the recovery of such damage monies shall be applied by the Town as an offset to the inclusion of such damage cost as a Project Cost.

B. Easements

If necessary based on the final Engineering Plans, MPCA shall grant the Town an easement for the construction, maintenance, repair, and use of the Water Main beneath the Moody Point Common Land and for access to and use of the Well House, in a customary and mutually agreeable form.

C. Supply of Water; Water Rates

Commencing on the date on which the Cushing Road Water Main Extension Project has been completed and accepted by the Town, and continuing thereafter, the Town shall provide MPCA with all of the MPCA's water supply. This water shall be potable water that is suitable and safe for public consumption and use by current and future residents of Moody Point and shall comply with all applicable local, state, and federal laws, including water quality standards. Water user rates payable to the Town as a result of the Project shall be the same for the Owners as for other residents served by the Town Water Supply. It is understood that these rates are subject to change from time to time in accordance with customary practice.

D. Ownership, Responsibility, Operation and Maintenance

1. Town Ownership and Responsibility. The Town will own and be solely responsible for the operation, maintenance, repair, and replacement of the Water Main under Bay Road and Cushing Road up to the Moody Point Common Land property line, and shall maintain the Water Main in accordance with good water utility operating practice and state and federal drinking water regulations. MPCA and the Owners shall have no responsibility, financial or otherwise, for the foregoing other than pursuant to assessments, fees, taxes, charges and rates as are customary and imposed on the public in general, it being the intent of this provision that, despite MPCA's contribution to the cost of the Cushing Road Water Main Extension Project under Section E below, upon completion of the construction, the Town will treat the Water Main for which the Town is responsible under this section no differently from any other parts of the Town Water Supply (except for the connection fees, which are addressed in Section E.3 below).

2. MPCA Ownership and Responsibility. MPCA shall own and be responsible for the operation, maintenance, repair, and replacement of the Well House and the MPCA Water Distribution System beginning at the Moody Point Common Land property line, but nothing in this section shall prohibit the Town and MPCA from entering into a separate agreement on terms suitable to both Parties whereby the Town assumes responsibility, on either a general or project-specific basis, for operating, maintaining, repairing or replacing any part or all of the Well House or MPCA Water Distribution System. As part of its ownership and responsibility for the

Distribution System, MPCA shall flush out the Distribution System at least once a year in conjunction with the Town's scheduled flushing program and may, in appropriate circumstances, flush out the Distribution System more than once in some years. Prior to flushing out the system, MPCA shall notify the Town no less than three business days in advance. MPCA shall be responsible for ensuring that the water shutoff valves are fully operational. In the event that the Town intends to shut off water supply to an Owner who has not paid its water usage fee or its Betterment Fee (as defined below), the Town shall provide written notice to the Owner no less than 30 days prior to the date on which it intends to shut off the water supply and shall send a copy of this notice simultaneously to MPCA. MPCA shall ensure that the shutoff valve works by the end of the 30-day notice period. MPCA shall notify the Town in writing on the day on which any necessary repairs are complete. If the shutoff valve is not functioning by end of the 30-day notice period, the Town may impose and collect from MPCA a fine of \$100.00 day for each day that the valve remains unrepaired, except to the extent that MPCA was prevented from repairing the shutoff valve by extreme weather conditions (including frozen ground) or force majeure, in which case MPCA shall not be fined for a period equal to the duration of the weather conditions or force majeure.

3. Water Loss. The Town acknowledges that MPCA actively monitors the MPCA Water Distribution System for water loss. Neither MPCA nor the Owners shall pay for or otherwise be responsible for water loss due to leaks in the Town's Water Main or other infrastructure not included within the Distribution System. The Town requires the installation of a master meter in a location that allows the Town to measure the total volume entering the Distribution System so that it can calculate the difference between the water usage by the Owners as a whole, through the master meter, and the sum of individual water meters servicing lots within Moody Point (the "**Water Use Differential**"). The Town shall not charge the Owners for the Water Use Differential, and shall only charge MPCA for the Water Use Differential if the Water Use Differential exceeds 2%, measured over four consecutive quarters. In the event that MPCA disagrees with the data used by the Town to determine that the Water Use Differential exceed 2% over four consecutive quarters, the Town and MPCA shall meet and discuss their differences and attempt in good faith to resolve the disagreement. In the event that the disagreement is not resolved, each Party shall be entitled to whatever remedies are available at law.

E. Repayment and Financial Matters.

1. Project Cost. The total costs of design, engineering, and construction for the Cushing Road Water Main Extension Project are referred to here as the "**Project Cost**." Excluded from the Project Cost are interim financing interest, USDA project management, costs attributable to the application for the USDA Funds, and the costs of bond counsel, all of which are being borne by the Town in connection with the larger Water System Upgrades project. The total Project Cost shall be determined upon completion of construction. The share of the Project Cost to be assessed against and collected from the Owners is 95% of the Project Cost.

2. Deductions from Project Cost. In the event that the Town, in its discretion, opts to install a Water Main with a diameter greater than what is required by best engineering practices determined in accordance with Section A.3.b above, the Project Cost shall be reduced

by an amount equal to the difference between (a) the Project Cost with a Water Main with the diameter determined in accordance with Section A.3.b above; and (b) the Project Cost with a Water Main with the larger diameter selected by the Town.

3. Connection Fee. The Owners shall pay a connection fee of \$1,000.00 for each Owner for a total of \$100,000.00 (the “**Connection Fee**”), which will be paid as part of the Moody Point Share (defined below) in accordance with Sections E.5 through E.7.

4. Allowed MPCA Expenses. To the fullest extent allowed under USDA rules and regulations governing the USDA Funds, MPCA shall be allowed to include in the Moody Point Share (defined below) its out-of-pocket expenses, including engineering and legal costs, incurred in connection with the Project as of October 13, 2018, or such other date as is approved by the USDA (the “**Allowed Expenses**”). The total Allowed Expenses shall be determined upon completion of construction. In the event that the USDA has not approved the allowed MPCA expense by the time that the Town plans to issue its first quarterly bill for the known Project Cost, the bill may be issued, with USDA approved allowed expenses to be added when they become available. Set forth on **Exhibit B** are MPCA’s expenses as of the Effective Date for consideration as Allowed Expenses. Upon completion of construction, MPCA shall supplement **Exhibit B** to include USDA approved allowed expenses incurred after the Effective Date.

5. Calculation and Payment of the Betterment Fee. Each owner shall be responsible for a betterment fee (the “**Betterment Fee**”), which will be assessed in equal quarterly installments over a period of 30 years (the “**Repayment Period**”). The formula for calculating the Betterment Fee is set forth in **Exhibit C**. All 100 Owners shall be assessed the Betterment Fee, irrespective of whether they secure water from the Town Water Supply.

6. Payment Commencement Date. The Repayment Period shall commence within the first quarter following the date on which the Owners are first served by the Town Water Supply.

7. Equitable Reductions in the Moody Point Share. If, as a result of completion of the Cushing Road Water Main Extension Project, one or more lots on Cushing Road is not served by the MPCA Water Distribution System connect to the Town Water Supply during the first ten years of the Repayment Period (such lot(s) being referred to as the “**Participating Lot(s)**”), then, as of the first quarter within which the Participating Lot(s) start receiving water from the Town Water Supply and for the remainder of the Repayment Period, the Betterment Fee assessed against each Owner shall be adjusted as set forth in **Exhibit C**.

F. Insurance, Indemnification, and Liability.

1. Insurance. The Town shall insure that any and all contractors and subcontractors carry insurance policies meeting the requirements of USDA. Attached hereto as **Exhibit D** are the USDA insurance requirements. During the construction of the Project on the Moody Point Common Land, the Town shall ensure that each contractor and subcontractor policy name MPCA as an additional insured with coverage up to the full policy limits, except where precluded by law. As evidence of compliance with this requirement, the Town shall produce, and shall cause the contractor and each subcontractor to produce, Certificates of Insurance

evidencing MPCA as an additional insured, together with any relevant provisions of the insurance policy concerning the coverage afforded additional insureds. Coverage shall apply on a primary, non-contributory basis on all insurance policies other than workers' compensation and employer's liability insurance. All insurance policies shall be written on an "occurrence" basis and shall include a waiver of subrogation provision in favor of MPCA. To the extent the Town requires the contractor or subcontractors or both to carry additional insurance beyond what is set forth above, the Town shall require the contractor and the subcontractors to name MPCA as an additional insured up to the full limits of this additional insurance.

2. Indemnification. The Town shall defend, indemnify and hold harmless MPCA and its officers, board members, representatives, and agents, and the Members and the Owners, from and against any and all claims, actions, proceedings, losses, damages, liabilities, obligations, costs, and expenses, including reasonable attorneys', investigators' and consulting fees, court costs, and litigation expenses (collectively "**Claims**", and each individually, a "**Claim**"), suffered or incurred in connection with the Cushing Road Water Main Extension Project, except for Claims caused by the gross negligence or intentional misconduct of MPCA or its officers, board members, representatives, or agents, or the Members or Owners.

3. No Waiver of Immunity or Individual Liability. The Town does not waive statutory immunity, if any, from individual or personal liability that inures to the benefit of its employees, officials, or representatives. Similarly, in no event shall any MPCA board member, director, officer or other individual acting on behalf of MPCA be personally or individually liable for any action taken in connection with this Agreement.

4. Limitation on Damages and Liability. Neither Party shall be entitled to, and each of Party hereby waives, any and all rights to recover special, indirect, consequential, incidental, and punitive or exemplary damages, however arising, whether in contract, in tort, or otherwise, under or with respect to any action taken in connection with this Agreement. Each Owner shall be solely and separately liable for its quarterly payment of the Moody Point Share, and the Town's remedies in the event of nonpayment shall be limited to the same remedies it has with respect to any other landowner served by the Town Water Supply for nonpayment of betterments, assessments, and other fees for use of the Town Water Supply. There shall be no joint and several liability for and among the MPCA, the MPCA Members, and the Owners for nonpayment of an Owner's Betterment Fee or other betterments, assessments, or fees for the use of the Town Water Supply. No property, other than an individual lot served by the MPCA Water Distribution System, shall be subject to levy, execution or other enforcement procedure as a result of this Agreement. Each Owner shall be liable for its Betterment Fee, regardless of whether its lot is occupied or improved, and the Town shall have no remedies against MPCA or its Members or the Owners (other than the Owner not paying its Betterment Fee) for nonpayment by the Owner of a vacant or abandoned lot, but rather shall have solely those remedies it ordinarily possesses with respect to nonpayment for vacant or abandoned lots.

G. Miscellaneous.

1. Time of the Essence. Time is of the essence in the performance of this Agreement.

2. **No Third Party Rights.** This Agreement is solely intended to provide rights and benefits to the Parties and is not intended to provide third party benefits or rights to any other party, without the express written consent of the Parties, except for those provisions that concern the rights and obligations of the individual Owners and MPCA Members.

3. **Integration.** This Agreement is the entire agreement of the Parties with respect to the matters contained herein, and there is no other agreement or document pertaining to these matters that is not superseded and comprised within this Agreement.

4. **Amendments.** This Agreement may not be amended except by a written instrument validly entered into and executed by each Party.

5. **Notification and Notices.**

a. **Notification:** Wherever this Agreement requires notification of the MPCA Representative (*see* Sections A.5.b and A.6), such notification shall be by telephone and email to the following:

Name: JB Parrett
Phone: 603-341-2310
Email: jbparrett@me.com

MPCA may designate a different MPCA Representative via a notice sent, by email or facsimile, to the Town Administrator and the Environmental Services Director.

b. **Notices.** Except where this Agreement solely requires notification of the MPCA Representative (*see* Sections A.5.b and A.6), any notice, consent or approval under this Agreement shall be in writing and shall be given by either Party (i) by delivery in hand or by courier service, or (ii) by registered or certified mail. All notices, requests or communications shall be sent to the addressees set forth below. Notices shall be deemed given when received or when delivery is refused.

If to the Town:

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

With a copy to:

John J. Ratigan, Esq.
Donahue, Tucker & Ciandella, PLLC
16 Acadia Lane
Exeter, NH 03833

If to MPCA:

Moody Point Community Association
c/o True North Property Management
135 Lafayette Rd. #10
Hampton, NH 03862
ATTN: President of the Board of Directors

With a copy to:

Gareth I. Orsmond, Esq.
Pierce Atwood LLP
Pease International Tradeport
One New Hampshire Avenue, 3rd Floor
Portsmouth, NH 03801

Or at such other address as the Party to be notified may have designated hereafter by notice in writing to the other Party.

6. **No Waiver.** No delay or omission by a Party hereto in exercising its rights occurring upon any default or noncompliance by any other Party under this Agreement shall impair those rights or be construed to be a waiver of those rights. Any waiver of any of the terms, covenants, conditions or agreements of this Agreement shall be in writing, shall be express and contain the word “waiver,” and shall not be construed to be a waiver of any succeeding breach thereof or of any other term, covenant, condition or agreement herein contained. No consent given by any person in any one instance shall be deemed to be consent in any other instance or circumstance.

7. **Successors and Assigns.** Except as otherwise provided in this Agreement, this Agreement and every provision herein contained shall run with the land and shall be binding upon and inure to the benefit of the Parties hereto and their respective heirs, successors, and assigns, legal representatives. Upon either Party’s request, this Agreement or a mutually agreeable notice of this Agreement shall be recorded with the appropriate registry of deeds to ensure that the Agreement runs with the land.

8. **Actions by the Parties; Deemed Approvals.** Except as specifically provided otherwise in this Agreement, when the assent, consent or approval of either Party is required to be obtained pursuant to this Agreement, this consent shall be in writing, the Party shall be obligated to act reasonably, and approval may not be unreasonably withheld, delayed, or conditioned.

9. **Certification of Final Project Cost; Audits.**

a. The Town shall provide a written certification to MPCA attesting to the true and accurate final Project Cost and the true and accurate Moody Point Share, and shall provide written updates of this certification whenever a change in circumstances changes the facts on which the certification was based, such as whenever a home or lot not served by the

MPCA Water Distribution System receives water as a result of the Cushing Road Water Main Extension Project.

b. MPCA shall have the right, at its own expense and upon seven days' advance written notice, to audit the Town's records as necessary to ensure the accuracy of the Town's certification and any updates thereof, and to ensure that repayment of the USDA loan is progressing as planned. This shall be an ongoing right, exercisable by notice, so as to provide MPCA with timely and accurate information throughout the duration of the Repayment Period.

c. The Town shall notify MPCA in writing of any audits conducted by or on behalf of the USDA with respect to the USDA Funds; shall diligently keep MPCA informed about any audits as they progress; and shall provide MPCA with the findings of any audit as soon as practicable after these findings are made.

10. Participation in Drafting. Each Party has cooperated in the drafting and preparation of this Agreement. Accordingly, in any action to construe this Agreement, a Party's participation in this drafting shall not cause any language to be construed against it.

11. Dispute Resolution; Jurisdiction; Applicable Law. Any and all disputes arising under or in connection with this Agreement or the subject matter hereof shall be resolved first by good faith negotiation and discussion between the Parties and thereafter in the courts of the State of New Hampshire. This Agreement shall be governed by and construed in accordance with the laws of the State of New Hampshire, regardless of any choice of law principles to the contrary.

12. Severability and Enforceability. If and to the extent that any term or provision of this Agreement is found to be void or unenforceable by a court of competent jurisdiction, then it is the intent of the Parties that the Agreement be reformed, if possible, to carry out its purposes and that any other provisions remain in full force and effect as severed from the void or unenforceable provisions hereof. This Agreement shall be interpreted and construed so as to achieve its purposes.

13. Authorization. Each of the signatories to this Agreement represents and warrants that he or she has the authority to execute this Agreement on behalf of the Party for which he or she is signing.

14. Counterparts. This Agreement may be executed in multiple counterpart originals, each of which shall constitute one and the same instrument.

(Execution Page Follows)

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives pursuant to due legal authorization and authority as of the day and year first above written.

TOWN OF NEWMARKET

By its Town Council,

Toni Weinstein, Chair

Amy Burns, Vice Chair

Casey Finch, Councilor

Gretchen Kast, Councilor

Zachary Dumont, Councilor

Helen Sanders, Councilor

Jon Kiper, Councilor

MOODY POINT COMMUNITY ASSOCIATION

By: _____
Michael Watson, President, Board of Directors

EXHIBIT A

ENGINEERING PLANS

[To Be Provided at a Later Date]

EXHIBIT B

MPCA Expenses through the Effective Date for Consideration as Allowed Expenses

[To Be Provided]

EXHIBIT C

Calculation and Payment of the Betterment Fee

I. Calculation and Payment of the Betterment Fee under Section E.5 of the Agreement

- A. **Calculation of the Betterment Fee.** Each owner shall be responsible for a betterment fee (the “**Betterment Fee**”). The Betterment Fee shall be comprised of: (a) a 95% share of the Project Cost, (b) the Allowed Expenses, (c) the Connection Fee, and (d) the Interest (defined below):

$$\text{Betterment Fee} = [(The\ Project\ Cost \times 0.95) + the\ Allowed\ Expenses + the\ Connection\ Fee] + the\ Interest$$

As used above, the “**Interest**” is the total interest owed on $[(The\ Project\ Cost \times 0.95) + the\ Allowed\ Expenses + the\ Connection\ Fee]$ over a 30-year period, calculated at the same interest rate that the Town pays on the loan portion of the USDA Funds, not to exceed 2.75%.

- B. **Quarterly Payment of the Betterment Fee.** The Betterment Fee shall be paid by each owner in equal quarterly installments over the 30-year Repayment Period. For each Owner, the quarterly installment shall be calculated as follows:

$$(\text{Betterment Fee} \div 100) \div 120 \text{ quarters}$$

By way of explanation, 100 equals the number of lots owned by the Owners, and 120 equals the number of quarterly payments over the 30-year Repayment Period.

- C. **Example.** An example of the calculation and payment of the Betterment Fee is as follows:

1. **Assumptions:**
 - Total Project Cost = \$1,500,000.00; no deductions under Section E.2
 - USDA Allowed Expenses = \$30,000.00
 - Connection Fees = \$100,000.00
 - Interest Rate = 2.75%

2. **Calculation of the Betterment Fee:**

$$(\$1,500,000 \times 0.95) + \$30,000 + \$100,000 + \$748,783.24^1 = \$2,303,783.24$$

3. **Quarterly Payment for Each Owner:**

$$(\$2,303,783.24 \div 100) \div 120 \text{ quarters} = \$191.98/\text{quarter}$$

¹ \$748,783.24 is the interest on \$1,555,000, which is the sum of $(\$1,500,000 \times 0.95) + \$30,000 + \$100,000$.

II. Calculation and Payment of the Betterment Fee with Equitable Reduction under Section E.7 of the Agreement

- A. Calculation of Quarterly Payment of the Betterment Fee. In this case, the equation in Section I.B. above shall be adjusted by adding the Participating Lot(s) to 100. For the remainder of the Repayment Period, each Owner's quarterly installment will be calculated as follows:

Quarterly payment times the number of homes currently paying divided by total number of homes with the new homes included.

- B. Example. An example of the calculation of the Betterment Fee with an Equitable Reduction is as follows:

1. Assumptions:

- Total Project Cost = \$1,500,000.00; no deductions under Section E.2
- Allowed Expenses = \$30,000.00
- Interest Rate = 2.75%
- Participating Lots: 2

2. Betterment Fee: Same as in Section I.A above:

$$(\$1,500,000 \times 0.95) + \$30,000 + \$100,000 + \$748,783.24 = \$2,303,783.24$$

3. Quarterly Payment for Each Owner:

$$[(\$2,303,783.24 \div 102) \div 120 \text{ quarters}] = \$188.22/\text{quarter}$$

EXHIBIT D**USDA Insurance Requirements****SC-6.03 CONTRACTOR'S LIABILITY INSURANCE**

K. The limits of liability for the insurance required by Paragraph 6.03 of the General Conditions shall provide coverage for not less than the following amounts or greater where required by Laws and Regulations:

1. Workers' Compensation, and related coverages under Paragraphs 6.03.A.1 and A.2 of the General Conditions:

State: Statutory

Federal, if applicable (e.g., Longshoreman's): Statutory

Jones Act coverage, if applicable:

Bodily injury by accident, each accident \$

Bodily injury by disease, aggregate \$

Employer's Liability:

Bodily injury, each accident \$ 500,000

Bodily injury by disease, each employee \$

Bodily injury/disease aggregate \$

For work performed in monopolistic states, stop-gap liability coverage shall be endorsed to either the worker's compensation or commercial general liability policy with a minimum limit of:

\$

Foreign voluntary worker compensation Statutory

2. Contractor's Commercial General Liability under Paragraphs 6.03.B and 6.03.C of the General Conditions:

General Aggregate \$ 2,000,000

Products - Completed Operations Aggregate \$ 2,000,000

Personal and Advertising Injury \$ 1,000,000

Each Occurrence (Bodily Injury and Property Damage) \$ 1,000,000

3. Automobile Liability under Paragraph 6.03.D. of the General Conditions:

Bodily Injury:

Each person \$ 1,000,000Each accident \$ 1,000,000

Property Damage:

Each accident \$ 1,000,000

[or]

Combined Single Limit of \$ _____

4. Excess or Umbrella Liability:

Per Occurrence \$ 5,000,000General Aggregate \$ 5,000,000

5. Contractor's Pollution Liability:

Each Occurrence \$ 1,000,000General Aggregate \$ 1,000,000

7. Contractor's Professional Liability:

Each Claim \$ 2,000,000Annual Aggregate \$ 2,000,000



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Fax: (603) 659-8508

Founded December 15, 1727
Chartered January 1, 1991

TOWN OF NEWMARKET, NEW HAMPSHIRE

STAFF REPORT

DATE: December 18, 2019

TITLE: Resolution #2019/2020-16 - MacIntosh & Tucker Wells Water Treatment Plant

PREPARED BY: Sean Greig

TOWN ADMINISTRATOR'S COMMENTS - RECOMMENDATION:

I recommend passage of this resolution.

BACKGROUND:

The Water Department and Wright-Pierce Engineering has completed the pilot testing and preliminary engineering for the water treatment facility that will treat the water from the MacIntosh and Tucker wells. The total proposed scope cost to perform the final design phase for the water treatment facility is \$265,000. This is a time charge contract, not a lump sum.

DISCUSSION:

Does the Town Council want to authorize the Town Administrator to enter into an agreement with Wright-Pierce to perform the final design for the water treatment plant that will treat the water from the MacIntosh and Tucker wells for the sum of \$265,000.

FISCAL IMPACT:

The Water Department will need to increase the water rate 50 cents a year over the next four years to cover the principle and interest from the Town approved water projects.

RECOMMENDATION:

I recommend that the Town Council authorize the Town Administrator to enter into an agreement with Wright-Pierce for the sum of \$265,000 to perform the final design engineering for the water treatment plant that will treat the water from the MacIntosh and Tucker wells.

ATTACHMENTS:

Description	Upload Date	Type
Resolution 2019/2020-16	11/25/2019	Cover Memo
Final Design	11/25/2019	Cover Memo

CHARTERED JANUARY 1, 1991

FOUNDED DECEMBER 15, 1727



TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council

Resolution 2019/2020-16
MacIntosh and Tucker Wells Water Treatment Plant

WHEREAS: Town voted in favor to make necessary improvements to the Town's water system; and

WHEREAS: Wright-Pierce engineering has performed the pilot testing and preliminary engineering for the water treatment plant to treat the water from the MacIntosh and Tucker wells.

NOW, THEREFORE, BE IT RESOLVED BY THE NEWMARKET TOWN COUNCIL THAT: the Newmarket Town Council authorizes the Town Administrator to enter into agreement with Wright-Pierce Engineering to perform the final engineering design and bidding services for the water treatment plant that will treat the water from the MacIntosh and Tucker wells.

First Reading: December 4, 2019

Second Reading: December 18, 2019

Approval: December 18, 2019

Approved: _____
Toni Weinstein, Chair Town Council

A True Copy Attest: _____
Terri Littlefield, Town Clerk

This is EXHIBIT K, consisting of [3] pages,
referred to in and part of the Agreement
between Owner and Engineer for Professional
Services dated [11/08/2018].

AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 1

The Effective Date of this Amendment is: 9/1/2019.

Background Data

Effective Date of Owner-Engineer Agreement: 11/08/2018

Owner: Town of Newmarket

Engineer: Wright-Pierce

Project: MacIntosh and Tucker Well Treatment Facility

Nature of Amendment:

- ☐ Additional Services to be performed by Engineer
- ☒ Modifications to services of Engineer
- ☐ Modifications to responsibilities of Owner
- ☐ Modifications of payment to Engineer
- ☐ Modifications to time(s) for rendering services
- ☐ Modifications to other terms and conditions of the Agreement

Description of Modifications:

Design and bidding of the MacIntosh and Tucker Well WTP Project

A1.01 Final Design Phase

- A. After acceptance by Owner of the Preliminary Design Phase documents, revised opinion of probable Construction Cost as determined in the Preliminary Design Phase, and any other Preliminary Design Phase deliverables, subject to any Owner-directed modifications or changes in the scope, extent, character, or design requirements of or for the Project, and upon written authorization from Owner, Engineer shall:
 - 1. Prepare final Drawings and Specifications indicating the scope, extent, and character of the Work to be performed and furnished by Contractor.

2. Visit the Site as needed to assist in preparing the final Drawings and Specifications.
3. Provide technical criteria, written descriptions, and design data for Owner's use in filing applications for permits from or approvals of governmental authorities having jurisdiction to review or approve the final design; assist Owner in consultations with such authorities; and revise the Drawings and Specifications in response to directives from such authorities, as appropriate.
4. Advise Owner of any recommended adjustments to the opinion of probable Construction Cost.
5. After consultation with Owner, include in the Construction Contract Documents any specific protocols for the transmittal of Project-related correspondence, documents, text, data, drawings, information, and graphics, in electronic media or digital format, either directly, or through access to a secure Project website. Any such protocols shall be applicable to transmittals between and among Owner, Engineer, and Contractor during the Construction Phase and Post-Construction Phase, and unless agreed otherwise shall supersede any conflicting protocols previously established for transmittals between Owner and Engineer.
6. Assist Owner in assembling known reports and drawings of Site conditions, and in identifying the technical data contained in such reports and drawings upon which bidders or other prospective contractors may rely.
7. In addition to preparing the final Drawings and Specifications, assemble drafts of other Construction Contract Documents based on specific instructions and contract forms, text, or content received from Owner.
8. Prepare or assemble draft bidding-related documents (or requests for proposals or other construction procurement documents), based on the specific bidding or procurement-related instructions and forms, text, or content received from Owner.
9. Perform or provide the following other Final Design Phase tasks or deliverables:
N/A.
10. Furnish for review by Owner, its legal counsel and Agency, and other advisors, 3 copies of the final Drawings and Specifications, assembled drafts of other Construction Contract Documents, the draft bidding-related documents (or requests for proposals or other construction procurement documents), and any other Final Design Phase deliverables, within 90 days of authorization to proceed with the Final Design Phase, and review them with Owner. 2 additional copies to be furnished to each Agency. Within 14 days of receipt, Owner shall submit to Engineer any comments regarding the furnished items, and any instructions for revisions.
11. Revise the final Drawings and Specifications, assembled drafts of other Construction Contract Documents, the draft bidding-related documents (or requests for proposals or other construction procurement documents), and any other Final Design Phase deliverables in accordance with comments and instructions from the Owner, as appropriate, and submit 5 final copies of such documents to Owner within 14 days after

receipt of Owner's comments and instructions. 2 additional copies to be furnished to each Agency.

12. Provide the Owner and Agency with a written certification that the final Drawings and Specifications, other assembled Construction Contract Documents, bidding-related documents or request for proposals or other construction procurement documents), and any other Final Design Phase deliverables comply with all requirements of Agency. Use the Engineer's Certification of Final Plans and Specifications (Attachment J of the RUS Bulletin 1780-26) for this purpose.
 13. Services required to determine and certify that to the best of the Engineer's knowledge and belief all iron and steel products referenced in engineering analysis, the Plans, Specifications, Bidding Documents, and associated Bid Addenda requiring design revisions are either produced in the United States or are the subject of an approved waiver; and services required to determine to the best of the engineer's knowledge and belief that approved substitutes, equals, and all iron and steel products proposed in the shop drawings, Change Orders and Partial Payment Estimates are either produced in the United States or are the subject of an approved waiver under Section 746 of Title VII of the Consolidated Appropriations Act of 2017 (Division A - Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2017) and subsequent statutes mandating domestic preference. The term "iron and steel products" means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials. The de minimis and minor components waiver apply to this contract.
- B. Engineer's services under the Final Design Phase will be considered complete on the date when Engineer has delivered to Owner the final Drawings and Specifications, other assembled Construction Contract Documents, bidding-related documents (or requests for proposals or other construction procurement documents), and any other Final Design Phase deliverables and all final design phase deliverables have been accepted by Owner.
 - C. In the event that the Work designed or specified by Engineer is to be performed or furnished under more than one prime contract, or if Engineer's services are to be separately sequenced with the work of one or more prime Contractors (such as in the case of fast-tracking), Owner and Engineer shall, prior to commencement of the Final Design Phase, develop a schedule for performance of Engineer's services during the Final Design, Bidding or Negotiating, Construction, and Post-Construction Phases in order to sequence and coordinate properly such services as are applicable to the work under such separate prime contracts. This schedule is to be prepared and included in or become an amendment to Exhibit A whether or not the work under such contracts is to proceed concurrently.
 - D. The number of prime contracts for Work designed or specified by Engineer upon which the Engineer's compensation has been established under this Agreement is one. If more prime contracts are awarded, Engineer shall be entitled to an equitable increase in its compensation under this Agreement.

A1.02 Bidding or Negotiating Phase

- A. After acceptance by Owner of the final Drawings and Specifications, other Construction Contract Documents, bidding-related documents (or requests for proposals or other construction procurement documents), and the most recent opinion of probable Construction Cost as determined in the Final Design Phase, and upon written authorization by Owner to proceed, Engineer shall:
1. Assist Owner in advertising for and obtaining bids or proposals for the Work, assist Owner in issuing assembled design, contract, and bidding-related documents (or requests for proposals or other construction procurement documents) to prospective contractors, and, where applicable, maintain a record of prospective contractors to which documents have been issued, attend pre-bid conferences, if any, and receive and process contractor deposits or charges for the issued documents.
 2. Prepare and issue Addenda as appropriate to clarify, correct, or change the issued documents. Obtain Agency concurrence on any addenda that modify the bidding documents. Obtain prior concurrence where possible. NHDES design review approval is required prior to issuance of addenda.
 3. Provide information or assistance needed by Owner in the course of any review of proposals or negotiations with prospective contractors.
 4. Consult with Owner as to the qualifications of prospective contractors.
 5. Consult with Owner as to the qualifications of subcontractors, suppliers, and other individuals and entities proposed by prospective contractors, for those portions of the Work as to which review of qualifications is required by the issued documents.
 6. If the issued documents require, the Engineer shall evaluate and determine the acceptability of "or equals" and substitute materials and equipment proposed by prospective contractors, provided that such proposals are allowed by the bidding-related documents (or requests for proposals or other construction procurement documents) prior to award of contracts for the Work. Services under this paragraph are subject to the provisions of Paragraph A2.02.A.2 of this Exhibit A. The engineer shall evaluate and determine the acceptability of "or equals" and substitute materials and equipment proposed by prospective contractors prior to award of contracts for the Work. Engineer shall issue a bid addendum for any and all approved "or equals" and substitutes. Review of substitutes and "or equals" shall be in accordance with the General Conditions of the Construction Contract and applicable Agency regulations. Services under this paragraph are subject to the provisions of Paragraph A2.02.A.2 of this Exhibit A
 7. Attend the bid opening, prepare bid tabulation sheets to meet Owner's schedule, and assist Owner in evaluating bids or proposals, assembling final contracts for the Work for execution by Owner and Contractor, and in issuing notices of award of such contracts. Complete an analysis of the bids and provide a recommendation regarding award of contract. A copy of the bid analysis shall be furnished to the Agency. Prepare a request for authorization to award the construction contract for submission to the Agency, per Env-Wq 510.05 (d).

8. If Owner engages in negotiations with bidders or proposers, assist Owner with respect to technical and engineering issues that arise during the negotiations.
 9. Perform or provide the following other Bidding or Negotiating Phase tasks or deliverables: Upon award of the Construction Contract, the Engineer shall furnish to Owner five executed copies of the Contract Documents and one electronic copy of the signed documents, including Drawings and Specifications.
 10. Provide copies of Manufacturers' Certification letters to the Bidders on any brand name iron and steel products along with the Plans, Specifications and Bidding Documents. Manufacturers' Certification Letters are to be included in the Bidding Documents and must be kept in the engineer's project file and on site during construction.
 11. Provide copies of Manufacturers' Certification letters to the Contractor on any brand name iron and steel products along with the Plans, Specifications, Bidding Documents including any Bid Addenda and Change Orders. Manufacturers' Certification Letters must be kept in the engineer's project file and on site during construction.
- B. The Bidding or Negotiating Phase will be considered complete upon commencement of the Construction Phase or upon cessation of negotiations with prospective contractors (except as may be required if Exhibit F is a part of this Agreement).

Schedule:

Task	Delivery Date
70% design Plans for Review	September 6, 2019
90% Plans for Review	December 20, 2019
100% Plans for Review	February 21, 2020
100% Plans for Bidding	February 28, 2020
Bidding	March-May 2020

Agreement Summary:

Original agreement amount:	\$ 391,000
Net change for prior amendments:	\$ 0
This amendment amount:	\$ 265,000
Adjusted Agreement amount:	\$ 656,000

Change in time for services (days or date, as applicable): 270

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

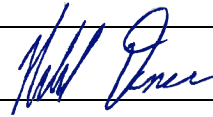
OWNER:

ENGINEER:

By: _____
Print
name: _____

Title: _____

Date Signed: _____

By: 
Print
name: Richard N, Davee, PE

Title: Vice President

Date Signed: November 20, 2019



Town Hall
186 Main Street
Newmarket, NH 03857

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Founded December 15, 1727
Chartered January 1, 1991

TOWN OF NEWMARKET, NEW HAMPSHIRE

STAFF REPORT

DATE: December 18, 2019

TITLE: Resolution #2019/2020-17 - Bennett & Sewall Well Improvements

PREPARED BY: Sean Greig

TOWN ADMINISTRATOR'S COMMENTS - RECOMMENDATION:

I recommend passage of this resolution

BACKGROUND:

The Water Department and Underwood Engineers have completed the preliminary engineering for the Bennett and Sewall wells improvements. The total proposed scope cost to perform the final design phase for the Bennett and Sewall wells is \$60,000. This is a time charge contract, not a lump sum.

DISCUSSION:

Does the Town Council want to authorize the Town Administrator to enter into an agreement with Underwood Engineers to perform the final design for the Bennett and Sewall wells improvements for the sum of \$60,000.

FISCAL IMPACT:

The Water Department will need to increase the water rate 50 cents a year over the next four years to cover the principle and interest from the Town approved water projects. There is \$615,785 in the Water Department Capital Reserve Funds.

RECOMMENDATION:

I recommend that the Town Council authorize the Town Administrator to enter into an agreement with Underwood Engineers for the sum of \$60,000 to perform the final design Bennett and Sewall wells improvements.

ATTACHMENTS:

Description

Upload Date

Type

Resolution 2019/2020-17
Bennett & Sewall Well Engineering Agreement

11/25/2019
11/25/2019

Cover Memo
Cover Memo

CHARTERED JANUARY 1, 1991

FOUNDED DECEMBER 15, 1727



TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council

Resolution 2019/2020-17
Bennett and Sewall Well Improvements

WHEREAS: Town voted in favor to make necessary improvements to the Town's water system; and

WHEREAS: Underwood engineers has performed the preliminary engineering for the Bennett and Sewall wells improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE NEWMARKET TOWN COUNCIL THAT: the Newmarket Town Council authorizes the Town Administrator to enter into agreement with Underwood Engineers to perform the final engineering design and bidding services for the Bennett and Sewall wells improvements. The Newmarket Town Council authorizes the withdrawal of \$60,000 from the Water Department Capital Reserve Fund for the final engineering design and bidding services for the Bennett and Sewall wells improvements.

First Reading: December 4, 2019

Second Reading: December 18, 2019

Approval: December 18, 2019

Approved: _____
Toni Weinstein, Chair Town Council

A True Copy Attest: _____
Terri Littlefield, Town Clerk

This is **EXHIBIT C**, consisting of three (3) pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated _____.

Payments to Engineer for Services and Reimbursable Expenses
COMPENSATION PACKET BC-2: Basic Services – Standard Hourly Rates

Article 2 of the Agreement is supplemented to include the following agreement of the parties:

ARTICLE 2 – OWNER’S RESPONSIBILITIES

C2.01 Compensation For Basic Services (other than Resident Project Representative) – Standard Hourly Rates Method of Payment

- A. Owner shall pay Engineer for Basic Services set forth in Exhibit A, except for services of Engineer’s Resident Project Representative, if any, as follows:
1. An amount equal to the cumulative hours charged to the Project by each class of Engineer’s personnel times Standard Hourly Rates for each applicable billing class for all services performed on the Project, plus Reimbursable Expenses and Engineer’s Consultants’ charges, if any.
 2. The Standard Hourly Rates charged by Engineer constitute full and complete compensation for Engineer’s services, including labor costs, overhead, and profit; the Standard Hourly Rates do not include Reimbursable Expenses or Engineer’s Consultants’ charges.
 3. Engineer’s Reimbursable Expenses Schedule and Standard Hourly Rates are attached to this Exhibit C as Appendices 1 and 2.
 4. The total compensation for services under Paragraph C2.01 is estimated to be **\$60,000** based on the following estimated distribution of compensation:

a. Study and Report Phase	\$ Not Included
b. Preliminary Design Phase	\$ Not Included
c. Final Design Phase	\$ 52,000.00
d. Bidding or Negotiating Phase	\$ 8,000.00
e. Construction Phase	\$ Not Included
f. Post-Construction Phase	\$ Not Included
 5. Engineer may alter the distribution of compensation between individual phases of the work noted herein to be consistent with services actually rendered, but shall not exceed

the total estimated compensation amount unless approved in writing by Owner. See also C2.03.C.2 below.

6. The total estimated compensation for Engineer's services included in the breakdown by phases as noted in Paragraph C2.01.A.3 incorporates all labor, overhead, profit, Reimbursable Expenses, and Engineer's Consultants' charges.
7. The amounts billed for Engineer's services under Paragraph C2.01 will be based on the cumulative hours charged to the Project during the billing period by each class of Engineer's employees times Standard Hourly Rates for each applicable billing class, plus Reimbursable Expenses and Engineer's Consultants' charges.
8. The Standard Hourly Rates and Reimbursable Expenses Schedule will be adjusted annually (**as of January of each year**) to reflect equitable changes in the compensation payable to Engineer.

C2.02 Compensation For Reimbursable Expenses

- A. Owner shall pay Engineer for all Reimbursable Expenses at the rates set forth in Appendix 1 to this Exhibit C.
- B. Reimbursable Expenses include the expenses identified in Appendix 1 and the following: transportation (including mileage), lodging, and subsistence incidental thereto; providing and maintaining field office facilities including furnishings and utilities; toll telephone calls, mobile phone charges, and courier charges; reproduction of reports, Drawings, Specifications, bidding-related or other procurement documents, Construction Contract Documents, and similar Project-related items; and Consultants' charges. In addition, if authorized in advance by Owner, Reimbursable Expenses will also include expenses incurred for the use of highly specialized equipment.
- C. The amounts payable to Engineer for Reimbursable Expenses will be the Project-related internal expenses actually incurred or allocated by Engineer, plus all invoiced external Reimbursable Expenses allocable to the Project, the latter multiplied by a factor of **1.0**.

C2.03 Other Provisions Concerning Payment

- A. Whenever Engineer is entitled to compensation for the charges of Engineer's Consultants, those charges shall be the amounts billed by Engineer's Consultants to Engineer times a factor of **1.0**.
- B. *Factors:* The external Reimbursable Expenses and Engineer's Consultants' factors include Engineer's overhead and profit associated with Engineer's responsibility for the administration of such services and costs.
- C. *Estimated Compensation Amounts:*
 1. Engineer's estimate of the amounts that will become payable for specified services are only estimates for planning purposes, are not binding on the parties, and are not the minimum or maximum amounts payable to Engineer under the Agreement.

2. When estimated compensation amounts have been stated herein and it subsequently becomes apparent to Engineer that the total compensation amount thus estimated will be exceeded, Engineer shall give Owner written notice thereof, allowing Owner to consider its options, including suspension or termination of Engineer's services for Owner's convenience. Upon notice, Owner and Engineer promptly shall review the matter of services remaining to be performed and compensation for such services. Owner shall either exercise its right to suspend or terminate Engineer's services for Owner's convenience, agree to such compensation exceeding said estimated amount, or agree to a reduction in the remaining services to be rendered by Engineer, so that total compensation for such services will not exceed said estimated amount when such services are completed. If Owner decides not to suspend the Engineer's services during the negotiations and Engineer exceeds the estimated amount before Owner and Engineer have agreed to an increase in the compensation due Engineer or a reduction in the remaining services, then Engineer shall be paid for all services rendered hereunder.
- D. To the extent necessary to verify Engineer's charges and upon Owner's timely request, Engineer shall make copies of such records available to Owner at cost.



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TOWN OF NEWMARKET, NEW HAMPSHIRE

STAFF REPORT

DATE: December 18, 2019

TITLE: Chris Klemmer - Arts and Tourism Ad hoc Commission - Term Expires December 2022

PREPARED BY: Wendy Chase

TOWN ADMINISTRATOR'S COMMENTS - RECOMMENDATION:

BACKGROUND:

DISCUSSION:

FISCAL IMPACT:

RECOMMENDATION:

ATTACHMENTS:

Description	Upload Date	Type
Chris Klemmer Application	12/11/2019	Cover Memo



RECEIVED

NOV 21 2019

TOWN OF NEWMARKET
ADMINISTRATOR'S OFFICE

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

Applicant's Name: Chris Klemmer

Address: 25 Great Hill Drive Phone/Cell 917-455-2719

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

Email address: Klemmerch@hotmail.com

Full membership (3 year term) position applying for Arts + Tourism Advisory Committee

State what the new term expiration date is: 2022 December

Alternate position (3 year term) position applying for _____

State what the new term expiration date is: _____

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

I've been a director, writer, producer and performer in NH (and NYC) over the
past 10 years. While my focus has been in comedy (Stranger Than Fiction improv,
New HampsKetch, UCB student), I also love the arts from a great play
to a wonderful painting. I'd love to help grow the arts in the town where I
(need more room, please use the back) Just bought a home.

[Signature] 11/20/2019
Signature Date

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



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TOWN OF NEWMARKET, NEW HAMPSHIRE

ATTACHMENTS:

Description	Upload Date	Type
Dale Pike Application	12/12/2019	Cover Memo



RECEIVED

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

DEC 12 2019

Applicant's Name: DALE PIKE
Address: 30 SMITH GARRISON Phone/Cell 603-498-9670

TOWN OF NEWMARKET
ADMINISTRATOR'S OFFICE

RSA 669:19 Newmarket Registered Voter: ☒ Yes ☐ No # of Years as Resident: 20
RSA 91:2 Are you an American Citizen? ☒ Yes ☐ No

Email address: dalepike52@gmail.com

Full membership (3 year term) position applying for Riverfront Advisory

State what the new term expiration date is: 6/30/2021

Alternate position (3 year term) position applying for _____

State what the new term expiration date is: _____

I feel the following experience and background qualifies me for this position: In my
6 years on the Newmarket Town Council,
I was TC representative to Planning Board
and Conservation Committee.

(need more room, please use the back)
[Signature] Date 12/12/19
Signature

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.



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Founded December 15, 1727
Chartered January 1, 1991

TOWN OF NEWMARKET, NEW HAMPSHIRE

STAFF REPORT

DATE: December 18, 2019

TITLE: Resolution #2019/2020-18 - Allow Sports Betting Add to March Ballot

PREPARED BY: Stephen Fournier, Town Administrator

TOWN ADMINISTRATOR'S COMMENTS - RECOMMENDATION:

BACKGROUND:

DISCUSSION:

FISCAL IMPACT:

RECOMMENDATION:

ATTACHMENTS:

Description	Upload Date	Type
Resolution #2019/2020-18 Allow Sports Betting Add to March Ballot	12/5/2019	Cover Memo

CHARTERED JANUARY 1, 1991

FOUNDED DECEMBER 15, 1727



TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council

Resolution #2019/20 - 18
Operation of Sports Betting in the Town of Newmarket

WHEREAS: Earlier this year the New Hampshire State Legislature passed, and the Governor signed into law, an act establishing sports betting and relative to funding for education; and

WHEREAS: The question of whether sports betting should be allowed within the Town of Newmarket should be placed before Newmarket voters at the next municipal election consistent with the legislation.

NOW, THEREFORE, BE IT RESOLVED BY THE NEWMARKET TOWN COUNCIL THAT:

That the question of whether to allow sports betting within the Town of Newmarket shall be placed on the official ballot at the regular municipal election on March 10, 2020; and

That the wording of the question on the official ballot shall be: "Shall we allow the operation of sports book retail locations within the town or city?" and

That the Town Council shall hold a public hearing on the ballot question, at least 15 days, but not more than 30 days, before the municipal election on March 10, 2020.

That pursuant to RSA 287-I:6, failure to pass this question will not prohibit Internet or mobile wagering.

First Reading: December 18, 2019

Second Reading:

Approval:

Approved: _____
Toni Weinstein, Chair Town Council

A True Copy Attest: _____
Terri Littlefield, Town Clerk



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