



TOWN OF NEWMARKET, NEW HAMPSHIRE

The meeting will be conducted in the Town Hall Auditorium and is available via Zoom. You may join Zoom Meeting <https://zoom.us/j/9117025727> Meeting ID: 911 702 5727, +1 646 558 8656. If you have difficulty connecting, please call 603-659-3617 Ext, 1321.

**Wednesday, May 5, 2021, 7:00 PM
Town Hall Auditorium and Zoom**

6:30PM NON-PUBLIC PURSUANT MEETING TO RSA 91A:3,II(a) - PERSONNEL

- 1. Pledge of Allegiance**
- 2. Public Forum**
- 3. Town Council to Consider Acceptance of Minutes**
 - a.** April 21, 2021 Non-Public Meeting Minutes
Accept a Motion to Approve the April 21, 2021 Non-Public Meeting Minutes.
 - b.** April 21, 2021 Regular Meeting Minutes
Accept a Motion to Approve the April 21, 2021 Meeting Minutes
- 4. Report of the Town Manager**
 - a.** May 5, 2021
- 5. Committee Reports**
- 6. Old Business**
 - a. Resolutions/Ordinances in the 2nd Reading**
 - i. Ordinance No. 6 - 2020/2021- Reaffirming Wearing Face Covering in Town**
Discussion on Rescinding Ordinance No. 6 - 2020/2021 Reaffirming Wearing Face Covering in Town.
 - ii. Resolution #2020/2021-43 - Water and Sewer Rate Increases**
Accept a Motion to Approve Resolution #2020/2021-43 - Water and Sewer Rate Increase
 - iii. Resolution #2020/2021-44 - Water/Sewer System Development Connection Fee**
Accept a Motion to Approve Resolution #2020/2021-44 - Water/Sewer System

Development Connection Fee

- iv. **Resolution #2020/2021-45 - Water Treatment Plant Integration Programming Services**

Accept a Motion to Approve Resolution #2020/2021-45 - Water Treatment Plant Integration Programming Services

b. Items Laid on the Table

- i. **Ordinance No. 7-2020/2021 - Amending Chapter 18 Establishing Live Shows and Events License**

7. New Business/Correspondence

a. Town Council to Consider Nominations, Appointments and Elections

- i. **Valerie Toukatly - Ad hoc Arts & Tourism Commission - Term Expiration December 2023**

Accept a Motion to Appoint Valerie Toukatly to the Ad hoc Arts & Tourism Commission with a term expiration of December 2023.

b. Resolutions/Ordinances in the 1st Reading

- i. **Resolution #2020/2021-46 - PBX and Telephones Equipment Lease**
- ii. **Resolution #2020/2021-47 - Street Name Approval**
- iii. **Resolution #2020/2021- 48 - Fencing for Splash Pad Park and Preschool Playground**
- iv. **Resolution #2020/2021-49 - Paving Improvements**

The Town Manager Requests the Suspension of Rules

Accept a Motion to Approve Resolution #2020/2021-49 - Paving Improvements

c. Correspondence to the Town Council

- i. **Correspondence Regarding The Stone Church Music Club, LLC**

d. Closing Comments by Town Councilors

e. Next Council Meeting

- i. **May 19, 2021**

8. 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 Manager. The Chair will preserve strict order and decorum at all Town Council meetings. Outbursts from the public are not permitted.



Town Hall
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ATTACHMENTS:

Description	Upload Date	Type
April 21, 2021	4/29/2021	Cover Memo

TOWN OF NEWMARKET, NEW HAMPSHIRE

TOWN COUNCIL REGULAR MEETING

April 21, 2021 7:00 PM

Town Hall Auditorium and Zoom

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6:30PM NON-PUBLIC PURSUANT TO RSA 91-A:3.II.(I) Consideration of Legal Advice Provided by Legal Counsel

The Council voted unanimously to come out of Non-Public Session at 7:06 PM.

Present: Council Chair Toni Weinstein, Council Vice-chair Zachary Dumont, Councilor Jonathan Kiper, Councilor Helen Sanders, Councilor Scott Blackstone, and Councilor Katanna Conley.
Present Virtually: Councilor Megan Brabec.

Staff Present: Town Manager Stephen Fournier, Police Chief Kyle True, Police Lieutenant Greg Jordan, and Recording Secretary Wendy Chase.

Chair Weinstein convened the meeting at 7:07 PM.

Town Manager Fournier read the virtual meeting guidelines preamble.

Recording Secretary Chase called the roll.

Chair Weinstein led the Pledge of Allegiance.

AGENDA

DRAFT MINUTES

1. Election of Officers, Adoption of Town Council Rules and Committee Assignments

a. Committee Assignments

Chair Weinstein noted that she did not receive any communications regarding the Committee assignments to the Energy & Environment Advisory Committee and to the Conservation Commission. She mentioned that Councilor Brabec has many more committee assignments than other Councilors.

Chair Weinstein offered Councilor Conley to replace her on the Energy and Environment

Committee and she would replace Councilor Brabec on the Conservation Commission.

No decision was made.

PUBLIC FORUM

Chair Weinstein opened the Public Forum at 7:12 PM.

Michael Hoffman owner of The Stone Church Music Club, LLC addressed the Council. He said that The Stone Church brings in approximately \$1M to the local economy and \$85,000 to the state and local governments annually. He suggested removing the "indoor events" from the proposed Ordinance No. 7 Licenses and Permits for Live Shows and Events. He said that it would be too easy to fall out of compliance unbeknownst to the individual playing music in a public establishment for example.

Chair Weinstein closed the Public Forum at 7:15 PM.

PUBLIC HEARING

Ordinance No. 7-2020/2021 - Amending Chapter 18 Establishing Live Shows and Events License

Chair Weinstein opened the Public Hearing for Ordinance No. 7-2020/2021 - Amending Chapter 18 Establishing Live Shows and Events License at 7:13 PM.

Chair Weinstein closed the Public Hearing at 7:13 PM without public comment.

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

April 7, 2021

Councilor Dumont made a motion to Approve *the April 7, 2021, Meeting Minutes*, which was seconded by Councilor Sanders.

Motion was Passed by a vote of 7-0-0.

REPORT OF THE TOWN MANAGER

Town Manager's Report

Town Manager Fournier reported the following:

- **COVID-19 Update:** As of April 19, there are 29 active cases and 514 cumulative cases. There was a brief increase in cases immediately following February Vacation/Spring Break; now back to normal levels.
- **Vaccination:** As of April 18, 642,869 people in New Hampshire have received their first dose of the vaccination, and 334,152 are fully vaccinated. The State has opened vaccination to every adult on April 2.

- **Mask Ordinance:** On April 16, Governor Sununu allowed the statewide mask mandate to lapse. However, the town's ordinance is still in effect until June 7. The Emergency Management Team is reviewing the Governor's statement that Safer at Home will be rescinded on May 7. A local mandate may be impossible to enforce. This could impact town operations. At that time or shortly after, we will ask for copies of people's vaccination cards. If they are vaccinated, employees will not have to wear a mask. If they are not, they will have to continue wearing a mask.
- **FY21 Budget Update:** The Town has expended 74% of its total operating budget, which is on track for the year. The revenues are up slightly in several areas, including motor vehicle registrations and lower in building permits and recreation revenues.
- **Retirement:** Building Official Mike Hoffman has submitted his intent to retire effective August 1. Town Manager Fournier will be looking into the structure of the Community Development portion of town operations to determine if changes are needed to be made.

Department Reports

Chair Weinstein commented on the "safer at home" guidelines mandated by the Governor. She said after the Council approved the face-covering ordinance they received pushback from some residents stating that property and business owners can make their own choices about face masks and the Government shouldn't be allowed to mandate that. She hopes that those same people respect the wishes of the private business owners when they continue to ask their patrons to wear a mask.

Chair Weinstein noted that in the Fire Chief's report he stated that he has applied for funding in the amount of \$395,000 to finish the upstairs of the fire station through the Community Project Funding Program and has made it through the first round of reviews.

Chair Weinstein acknowledged Mike Hoffman's upcoming retirement and thanked him for all the work that he has done for the Town. She asked if there was any information from the last MRI Efficiencies Study conducted that they could use when determining the needs of the Community Development Department. Town Manager Fournier said that he was going to request an update to the MRI Efficiency Study focussing on that particular department.

COMMITTEE REPORTS

Councilor Blackstone reported on the latest Planning Board meeting. The Planning Board held a public hearing on the 75 Hall's Mill Road application. The parcel is buried within conservation land and popular for hiking. The Southeast Land Trust is opposed to the proposal to upgrade a portion of the Class VI road to a gravel driveway and build a single-family house. This application will come before the Town Council for final approval sometime next month. The other case discussed was the duplex on the corner of Granite Street and Church Street; the owner wants to make the renovated barn into a bike shop.

Councilor Dumont said the Budget Committee met on April 19th and Joe Lamattina was appointed as Chair and Mike LaBranche was appointed as Vice-chair and they may have someone to fill one of the three vacant seats.

Councilor Sanders said the Arts & Tourism Commission met last night. They received a lot of positive feedback regarding the Art Walk. They plan to keep the artwork up longer next year. She

thanked all the businesses who participated this year. They plan to coordinate with the Recreation Department and include local artists with the Arts in the Parks summer concerts. The Commission discussed their next project; the mural at the Library or at the pocket park next to Jonny Bostons restaurant.

Councilor Kiper reported on the Parking Commission meeting. They discussed parking technologies. The Town Manager is setting up a meeting with the City of Dover to see how they enforce parking limits.

Councilor Brabec said that the Riverfront Advisory Committee met last night. They are looking into the grant from NH DES to see whether or not they can use it for hiring someone to help with the plan on the living shoreline and climate adaptation in Schanda Park. They are also working on coming up with options to gain matching funds for the grant and will be looking for letters of support for the project.

OLD BUSINESS

RESOLUTIONS/ORDINANCES IN THE 2ND READING

Resolution #2020/2021-40- Purchase of 2021 Police SUV(line car 3)

Councilor Dumont made a motion to Approve *Resolution #2020/2021-40 - Purchase of 2021 Police SUV (line car 3)*, which was seconded by Councilor Sanders.

Lieutenant Jordan explained that the current line 3 cruiser has 127,000 miles and will be replaced with a new hybrid system vehicle saving the Department 12,076 gallons of fuel per year totaling \$3,500. The Department did the State bid for the purchase of the cruiser at \$39,375 and solicited 3 bids for the outfitting of the vehicle receiving two. 2-Way Communication was the lowest at \$11,722. This is the first hybrid vehicle for the Department; it has a much more significant battery system that will handle powering the electronics. The current cruiser will go to the State Auction.

Councilor Brabec commented that the purchase of the new vehicles will deplete the Capital Reserve Fund.

Town Manager Fournier explained that police vehicles are expendable equipment and not a capital expense so they will be purchased out of the operating budget, and no longer out of the Capital Reserve Fund. He said money from the Police Detail Account may also be used towards purchases of future vehicles.

Chair Weinstein commented that in an 8-hour shift a cruiser idles 4.9 hours to keep equipment powered up. The hybrid vehicle will have huge implications on the environment.

Motion was Passed by a vote of 7-0-0.

Resolution #2020/2021-41- Purchase of 2021 Police Ford Expedition Command Vehicle

Councilor Dumont made a motion to Approve *Resolution #2020/2021-41 - Purchase of 2021 Police Ford Expedition Command Vehicle*, which was seconded by Councilor Sanders.

Lieutenant Jordan explained that they are replacing the 2012 expedition. The mechanics said that it would not pass inspection again. The State bid for the new vehicle is \$40,560.00. They will not have to get lettering on the vehicle because it will be an unmarked car and will generally be driven by one person.

Motion was Passed by a vote of 7-0-0.

Ordinance No. 7-2020/2021 - Amending Chapter 18 Establishing Live Shows and Events License

Chair Weinstein made a motion to Approve *the Amendment to Section 130.5 of Ordinance No. 7 - 2020/2021 as dictated by the Chair*, which was seconded by Councilor Blackstone.

Town Manager Fournier explained the reasoning behind the proposed Ordinance. He explained that creating a noise ordinance is much more restrictive. A licensing board would consist of the Town Manager, Chief of Police, and Council Chair. Applications are reviewed by the licensing board who will seek input from town department heads and then make determinations to grant or deny the permit application. He explained that the town hall and the police department receive many calls when door-to-door sales are conducted with residents checking to see if it is legitimate. The Licensing Board would review the applications to determine whether or not it is a legitimate cause, or whether a protest is held in a safe environment, or if a live show will be safe for people.

Chair Weinstein recommended amending Section 130. 5 of the proposed ordinance as follows (changes are italicized):

"Conduct a carnival, tent show, fair, circus, dance exhibition or demonstration, or any open-air public meeting, *outdoor* live music shows, *including public dance*, disc jockey, karaoke, or other amplified *outdoor* music event in which the public is invited for pay."

Councilor Kiper suggested removing Section 130. 1 - Solicit Funds for Charitable Purposes. Town Manager Fournier said that the section is a part of RSA 286 and he would check to see if they could legally remove the section. He mentioned that the licensing board could waive the fee for non-profit organizations but they would have to provide documentation that they are a legitimate non-profit.

Chief True commented that we currently have a Hawkers and Peddlers permitting process that has to be reviewed by the police. This process ensures that the agency is legitimate. Residents can call the Police Department to see if the sellers are legitimate; many scammers come through town targeting the elderly.

Councilor Kiper said that his business receives many requests for donations throughout the year and wondered if it is necessary to make charities go through another hoop with this licensing proposal. He suggested reviewing the proposed ordinance line by line.

Town Manager Fournier suggested the Council send the proposed Ordinance back to the Ordinance Oversight Committee.

It was decided that the Councilors would forward suggested amendments to the proposed

ordinance to either the Chair or the Town Manager prior to the next Council Meeting on May 5th.

Councilor Dumont said that he would schedule an Ordinance Oversight Committee meeting sometime next week.

Motion was Passed by a vote of 7-0-0.

Councilor Kiper made a motion to Approve *tabling Ordinance No. 7 - 2020/2021 to the May 5, 2021 Meeting*, which was seconded by Councilor Sanders.

Motion was Passed by a vote of 7-0-0.

NEW BUSINESS/CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS

Bruce Fielding - Housing Authority Commissioner - Term Expiration March 2024

Councilor Dumont made a motion to Approve *the Appointment of Bruce Fielding as Commissioner to the Newmarket Housing Authority with a Term Expiration of March 2024*, which was seconded by Councilor Sanders.

Motion was Passed by a vote of 7-0-0.

Resolutions/Ordinances in the 1st Reading

Resolution #2020/2021-43 - Water and Sewer Rate Increases

Chair Weinstein read Resolution #2020/2021-43 into the record.

Resolution #2020/2021-44 - Water/Sewer System Development Connection Fee

Chair Weinstein read Resolution #2020/2021-44 into the record.

Resolution #2020/2021-45 Water Treatment Plant Integration Programming Services

Chair Weinstein read Resolution #2020/2021-45 into the record.

CORRESPONDENCE TO THE TOWN COUNCIL

Correspondence Regarding Ordinance No. 7 - 2020/2021

The Councilors commented that they had read the correspondence and Chair Weinstein said they received more correspondence that will be on the next agenda for public review.

Correspondence Regarding The Stone Church Music Club, LLC

CLOSING COMMENTS BY TOWN COUNCILORS

Councilor Kiper thanked the community for their patience and flexibility and for wearing masks over this past strange year.

Chair Weinstein commented that the Conservation Commission has held a week-long roadside clean-up and that she has scheduled her roadside cleanup on Sunday, April 25th from 12:00 PM - 4:00 PM.

NEXT COUNCIL MEETING

May 5, 2021

ADJOURNMENT

Chair Weinstein adjourned the meeting at 8:40 PM without objection.

Respectfully submitted,
Wendy Chase, Recording Secretary



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ATTACHMENTS:

Description	Upload Date	Type
Town Manager's 05/05/2021 Report	5/5/2021	Cover Memo

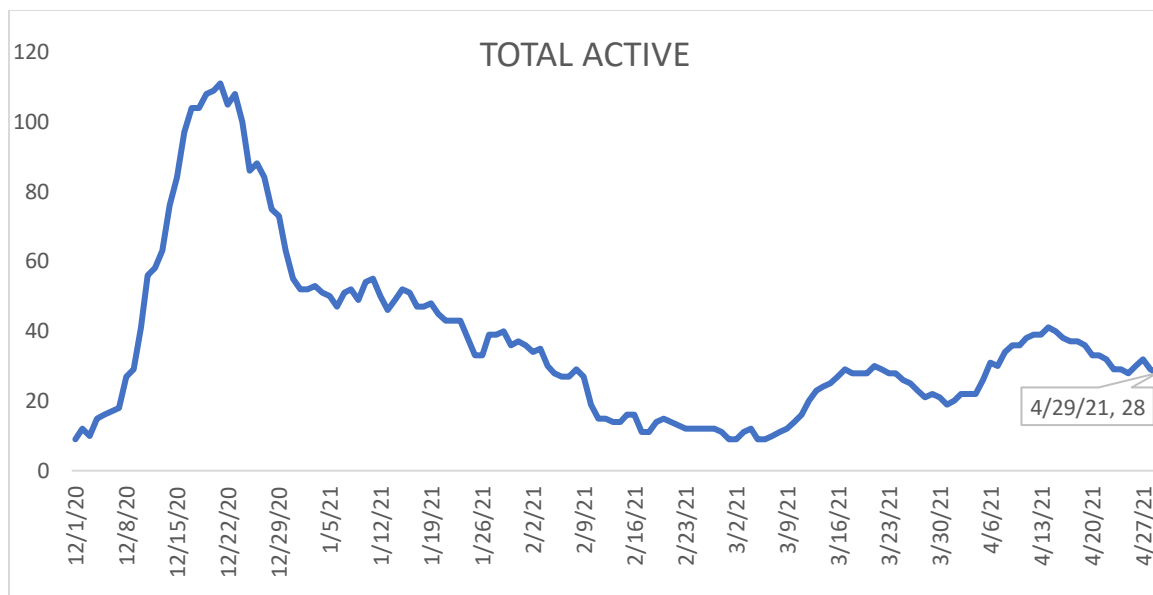


TOWN OF NEWMARKET, NEW HAMPSHIRE
OFFICE of the TOWN MANAGER

REPORT OF THE TOWN MANAGER
May 5, 2021

COVID-19 Update: As of April 29, we have 28 (0.3% of population) active cases, and 541 (5.7% of population) cumulative cases. Of these cases 5.5% of these cases were in an institutional setting.

We are seeing numbers stabilize. They are still higher than in February when more people were shut in due to the winter.



Vaccination: As of April 27, 762,346 people in New Hampshire have received their first dose of the vaccination or 56.2%, and 348,758 or 25.7% are fully vaccinated.

We are currently organizing a vaccination clinic for students that may have not yet gotten the vaccination. This may be opened to students 12 and above if CDC guidelines change.

Universal Best Practices: On May 7, the Safer at Home guidelines will expire and be replaced by Universal Best Practices. The Safer at Home guidelines include the regulation of restaurants, barbers, summer camps, as well as about 40 other guidelines that we have all been following for the past year. This will be the beginning of a large shift in our day to day lives. Businesses and private entities may now operate how they feel is safest for

their customers. Please be aware that there will be no more enforcement of those regulations.

We are going to review Town operations. While none of the Safer at Home guidelines impacted municipalities, we followed a version of them. We will see what the greater public is doing and follow course.

Summer Schedule: Typically, in the summer, we just have one meeting in July and August. With the first July meeting being the week of Independence Day, I would suggest that we cancel that one and then cancel the first meeting in August as well. We would then meet July 21 and August 18. If something comes up, we can schedule an additional meeting.

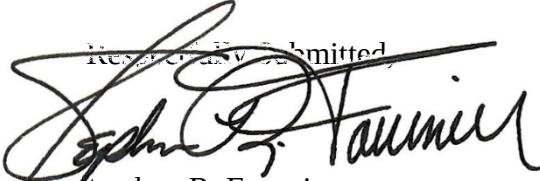
*****This section will not be reported orally to the Town Council at the meeting but will use this as a chance to update on any developments in ongoing projects. *****

Solar Array: Meeting Monday on the Right of Way Issues.

Police Chief Search: We will begin advertising this week.

Community Development: I have received a proposal from MRI to examine our operations and how to best move forward with the retirement of the building official.

Economic Development Plan: No development.

~~Respectfully Submitted,~~

Stephen R. Fournier
Town Manager



UNIVERSAL **BEST PRACTICES**

STATE OF NEW HAMPSHIRE

GOVERNOR'S ECONOMIC REOPENING TASKFORCE



UNIVERSAL BEST PRACTICES

Effective May 7, 2021, this document replaces all existing “Safer at Home 2.0” business operations guidance in place since March 2020. These Universal Best Practices are recommendations for all individuals, businesses, and organizations to consider and implement for the operation of their business. Nothing in this document or other guidance precludes any business, organization, or individual business operators from taking additional precautions for the health and safety of its employees and consumers.

In addition to the best practices outlined here, businesses, organizations, and individual business operators should review the following:

- [Center for Disease Control and Prevention](#) (CDC) guidance for COVID 19
- [New Hampshire Department of Health and Human Services \(DHHS\)](#) COVID resource page
- [Best Practices for Overnight Congregate Settings for Kids](#)
- Long-Term Care Facilities (LTCFs) and Assisted Living Facilities (ALFs): U.S. Centers for Medicare and Medicaid Services (CMS) guidance and NH DHHS [guidance and resources for Long Term Care Facilities](#)
- K-12 schools: NH Department of Education [Grades K-12 Back-to-School Guidance](#) and recent [public health guidance](#) discussed and shared with schools.
- Residential Schools, Colleges and Universities: NH DHHS [Recommendations for Responding to COVID-19](#)

The Continued Importance of Layered Protective Measures

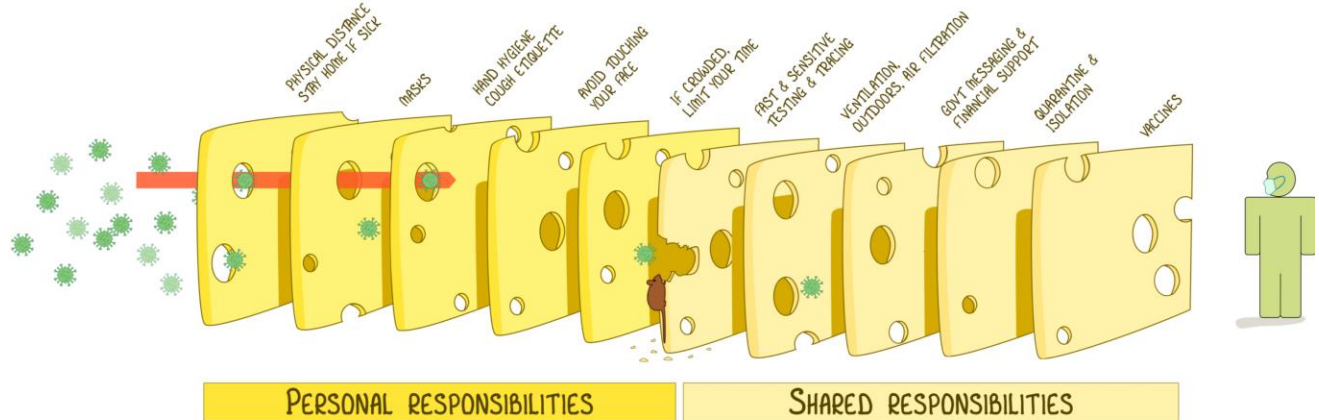
There is no single intervention that will stop spread of COVID-19, especially because the coronavirus can infect people and be spread both from people with [symptoms of COVID-19](#) (including people who may only show very mild symptoms), and from people without any symptoms (“asymptomatic”). Therefore, implementing multiple layers of protection (i.e., layered mitigation measures) will be most effective at stopping COVID-19 from spreading (see Swiss Cheese Model graphic below).



UNIVERSAL BEST PRACTICES

THE SWISS CHEESE RESPIRATORY VIRUS PANDEMIC DEFENCE

RECOGNISING THAT NO SINGLE INTERVENTION IS PERFECT AT PREVENTING SPREAD



EACH INTERVENTION (LAYER) HAS IMPERFECTIONS (HOLES).
(MULTIPLE LAYERS IMPROVE SUCCESS.)

(Image from Dr. Ian Mackay at virologydownunder.com)

The same general steps and actions to control the COVID-19 virus that have been used throughout this pandemic continue to be important and recommended, including the following:

1. Good planning and communication to staff and consumers
2. Vaccination against COVID-19
3. Identifying and excluding people with symptoms of COVID-19 or risk factors for exposure
4. Testing people with symptoms of, or risk factors for, COVID-19
5. Social/physical distancing
6. Face mask use
7. Cohorting (i.e., grouping individuals together and keeping them together)
8. Modifying layouts and limiting group sizes
9. Good and frequent hand hygiene
10. Cleaning and disinfection of frequently touched surfaces and avoiding shared objects
11. Increasing and improving room and building ventilation (ventilation involves replacing stagnant indoor air that may contain peoples' respiratory droplets with new fresh outdoor air)
12. Contact tracing, isolation, and quarantine

These Universal Best Practices have been re-organized into topic-based sections below for individuals, businesses, and organizations to apply in layers.



UPDATED APRIL 29, 2021

UNIVERSAL BEST PRACTICES

Best Practices: Preventing the Spread of COVID-19

- 1. Planning and Communication:** It is important for business and organizations to consider developing COVID-19 protection policies and process that help prevent the introduction and spread of COVID-19 within an organization or business. It is also helpful to set expectations and clearly communicate those expectations to staff, visitors, attendees, customers, etc.
 - a. This document can assist in developing organizational and workplace policies and processes aimed at preventing the introduction and spread of COVID-19.
 - b. A communication plan can educate all persons about the health and safety practices and expectations. Such communication plans can include, but not be limited to, online methods (e.g., website, social media sites), email, other electronic communication such as reservations or confirmations, and print materials and mailings to the customers.
- 2. Vaccination against COVID-19:** There are currently three different COVID-19 vaccines authorized for use in the U.S., including the Pfizer-BioNTech, Moderna, and Johnson and Johnson (J&J) Janssen COVID-19 vaccines. All three vaccines are safe and highly effective. Vaccination is one of the most important things that your staff, visitors, and customers can do to protect your business, organization, and the surrounding community. A person is considered “fully vaccinated” when they are at least 14 days beyond completion of a recommended COVID-19 vaccine series.
 - a. Having a high employee vaccination rate will help protect your business operations in the event that someone with COVID-19 is identified to have exposed staff, visitors, or customers at your organization or business, because people who are fully vaccinated and remain without symptoms (i.e., are “asymptomatic”) are not required to quarantine after an exposure (although they should still follow other protective measure, including social distancing and face mask use).
 - b. Consider providing paid time off, or other incentives, for employees to get vaccinated against COVID-19.
- 3. Identifying and Excluding People with COVID-19, Symptoms of COVID-19, or Risk Factors for Exposure to COVID-19:** Identifying people who have, or might have, COVID-19 is important to protect your business and organization. One of the first “lines-of-defense” to prevent introduction of COVID-19 is to identify people who might have COVID-19 and recommending testing. Screening questions have been outlined in the NH DPHS [Employer Travel, Screening, and Exclusion Guidance](#) to assist in identifying people who might have signs/symptoms of COVID-19 or risk factors for exposure.
 - a. Consider active screening or daily self-attestation of staff and volunteers each day before work for fever, symptoms of COVID-19, or risk factors for exposure, especially for those who provide services requiring close prolonged contact



UNIVERSAL BEST PRACTICES

between staff and customers (people are within 6 feet of each other for 10 minutes or longer).

- b. Establish a process where all staff, volunteers, visitors, customers, etc. are informed and proactively educated that they should stay home if they meet any of the screening questions outlined in the NH DPHS [Employer Travel, Screening, and Exclusion Guidance](#).
- c. Consider developing employment policies that are supportive of employees who may need to stay home because of new or unexplained symptoms of COVID 19 and have yet to be tested.

4. Testing for COVID-19: Testing for COVID-19 is one important measure to determine if someone has COVID-19 so that others can be identified and others can be notified of their potential risk of developing infection in order to stop COVID-19 from spreading. There are two general types of testing: “diagnostic” testing and “screening” testing. Diagnostic testing involves testing people with signs or symptoms of COVID-19, or testing asymptomatic people with an identified risk factor for exposure. Screening testing involves testing asymptomatic persons who do not have a known or suspected exposure to COVID-19 for the purposes of early identification. Diagnostic testing is universally recommended. Screening testing can be adopted by business and organizations, if desired, but it is also recommended to be implemented in certain high-risk congregate living situations (including long-term care facilities, residential schools, and overnight summer camps).

- a. Any person with new or unexplained [symptoms of COVID-19](#) (even new mild cold symptoms) should be evaluated for COVID-19 testing using a PCR or antigen-based test
- b. Any person who is identified as a “close contact” to another person with COVID-19 should also be tested for COVID-19 as outlined in the NH DPHS guidance on [self-quarantine](#) after an exposure.
- c. Screening testing should be implemented in congregate living settings that are high-risk for transmission in order to prevent introduction and spread of COVID.
 - a. People who are fully vaccinated (i.e., at least 14 days or more beyond completion of a recommended COVID-19 vaccination series), or who are within 90 days of a previously diagnosed COVID-19 infection can be exempted from participation in screening testing programs (asymptomatic testing), unless otherwise required to be tested by federal regulators (e.g., CMS requirements for long-term care facilities).

5. Social/Physical Distancing: The coronavirus that causes COVID-19 is spread through close prolonged contact to an infected person’s respiratory droplets that are exhaled when a person breaths or talks. Spread of COVID-19 over longer distances is possible, especially when there are activities which can increase the production of smaller



UNIVERSAL BEST PRACTICES

respiratory droplets (called aerosols) that can remain suspended in the air and travel further distances. This risk can be minimized with combined use of physical distancing, face mask use, and increasing a building/room ventilation (discussed below). Here are some practices to consider:

- a. Capacity can be limited to the number of people where physical distancing is maintained between individuals or groups of related household contacts while seated and during transit through the facility. If a business or organization chooses to develop processes that allow un-related people to be closer than 6 feet from each other than additional layers of protection can be considered (avoid moving about, hold event outdoors, consider face coverings, etc)
- b. Work to maintain a distance of at least 6 feet or more of physical separation between people or related groups when possible.
- c. Customers visiting bars and restaurants should stay seated as much as possible to prevent close contact between customers.
- d. In certain situations where there may be increased risk of respiratory aerosol production and risk of further spread of COVID-19, physical distancing between people is suggested to be 8-10 feet, including during any group activities that involve forced and heavy breathing indoors (e.g., indoor group fitness classes), singing (chorus/choir), or wind instrument playing (band performances).
- e. Physical distancing on buses and transportation vehicles can be challenging and often 6 feet of physical separation is not possible, consider additional layers of protection such as face mask use, increasing outdoor air ventilation, assigned seating, etc.).

6. Face Mask Use: Throughout the pandemic, face mask use has increasingly been shown to be an important measure for controlling the spread of COVID-19. The CDC has estimated that at least 30% of people infected with the novel coronavirus are asymptomatic (do not have symptoms), but these individuals are still able to spread the virus. Other people may be asymptomatic early in their infection but go on to develop symptoms days later. NH testing data in long-term care facilities has found similar rates of asymptomatic infection. Therefore, face mask use is important to prevent spread of COVID-19 from people who are infected but may not be aware or have signs/symptoms of infection. Face mask use protects both the person wearing the mask, and others around that person in the event that they are asymptotically infected. Consider the following:

- a. Encourage face mask use or both staff and customers who are required to be within 6 feet of each other (or other customers) for at least 10 minutes or longer for delivery of service. If face masks need to be removed (e.g., for eating and drinking), then people should ideally be separated by at least 6 feet. As an alternative, other business process adaptations can be considered, such as ridged plastic barriers between people who are separated by less than



UNIVERSAL BEST PRACTICES

- 6 feet.
- b. Should they choose to, businesses, organizations and event organizers are able to require employees, visitors, and customers wear face masks upon entering their facility or venue as a best practice but please keep in mind:
 - i. Face masks should not be required for people who are under the age of 2 years
 - ii. Face masks should not be required for a person with a valid medical or developmental reason that prevents that person from wearing a face mask (see [CDC guidance](#)).
- c. Customers can be asked to wear face masks when entering and exiting a facility or business, waiting in lines, buying tickets or food/drink, transiting through a facility/event, and in general when physical distancing is difficult to maintain.
- d. Face masks can also be particularly important for staff caring for [people who are at high-risk for severe illness from COVID-19](#).

7. Cohorting and Limiting Group Sizes: “Cohorting” involves creating small groups of individuals, keeping those individuals consistently together in one group, and preventing interaction between people of different groups. Cohorting is an important COVID-19 control/mitigation strategy because if COVID-19 is introduced into one group, it limits spread ideally only to those within that one group, and prevents spread between groups. This allows a business or organization to continue operations even while some people may be required to quarantine due to an exposure. The other benefit of strict cohorting is that it potentially allows for relaxed restrictions within a group where physical distancing or consistent mask use may not be able to be maintained due to the prolonged duration of interaction between individuals (e.g., childcare agencies, day camps, overnight residential summer camps, etc.). The smaller the group sizing, the more protective the cohorting/grouping, but smaller groups may be less feasible for businesses. Additionally, cohorting may not be possible in all situations, so it should be applied in the context of other layered mitigation measures. Keys to success cohorting include:

- a. Avoid mixing or interaction between groups. If staffing is an issue and staff are required to “float” between groups, then staff should be selected who are fully vaccinated.
- b. If possible and staffing allows, larger groups should be separated into smaller groups.
- c. Ideally group sizes should be limited to 20 people or fewer, although exact group sizes will vary depending on situation and local context.
- d. Social/physical distancing, face mask use, and other mitigation measures should still be considered and implemented within the cohorting/grouping as feasible.



UNIVERSAL BEST PRACTICES

- 8. Modifying Layouts and Processes:** Business and organizations processes should be modified to implement the layers of mitigation/protection outlined in this document. This section highlights the importance of thinking through business processes and looking for ways to incorporate multiple layers of protection into processes. Here are some practices to consider:
- a. Maintain unidirectional flow of customers to the extent possible (especially at larger events), incorporate as much physical distancing into all business processes as possible (including while waiting in lines), and avoid congregating and groups gathering/loitering (including developing processes to avoid development of lines).
 - b. Physical barriers (e.g., plastic or acrylic shields or barriers) should be placed between staff and customers at check-in/out, ticketing and other service counters.
 - c. Modify employee and volunteer schedules to reduce the frequency and duration of physical interactions, including staggering shifts, breaks, and meals (maintain compliance with wage and hour laws and other requirements).
 - d. Arrange employee and volunteer work-space layout to allow for at least 6 feet of social distancing when possible.
 - e. Stagger any customer/client appointments, arrivals, drop-off, pick-up times, etc. to limit customer interaction to allow sufficient time for any needed cleaning and disinfection between appointments when possible.
 - f. Limiting waiting areas to avoid congregating and any waiting areas should have seating for customers spaced at least 6 feet apart, while encouraging customers/clients to wear a face masks while in the waiting room.
 - g. Avoid waiting lines when possible and provide demarcated spacing for people to stand/wait at least 6 feet apart.
 - h. When possible, develop check-in and check-out processes that involve electronic or other non-touch options, including with financial transactions. Businesses and organizations can also take steps to limit self-service options. For example, consumer samples, communal packaging, food/beverages (e.g. candy dishes, common creamers at coffee stations).
- 9. Hand Hygiene:** Many different respiratory infections, including COVID-19, can be spread after an infected person touches their eyes, nose, or mouth (i.e., mucous membranes) where viral pathogens can live and then spread to other people through touch, or contamination of commonly touched surfaces. While the risk of spreading COVID-19 from contaminated surfaces is believed to be low, it remains important to incorporate and promote frequent hand hygiene (regularly washing hands or using hand sanitizer) into all business processes.
- a. Consider making alcohol-based hand sanitizer readily available to employees, volunteers, and customers/clients throughout the facility or event venue,



UNIVERSAL BEST PRACTICES

including upon entry and exit to a facility, at check-in and check-out, in eating areas, outside restrooms, etc.

- b. Promote frequent hand hygiene for employees, volunteers, and customers.
- c. For staff overseeing children, supervise and help young children to ensure they are washing/sanitizing hands correctly. When soap and water are not readily available and hand sanitizer is used with young children, it should be used under direct supervision of staff.

10. Cleaning and Disinfection and Avoiding Shared Objects:

- a. Employers should provide training to all employees about cleaning and disinfection prior to assigning cleaning and disinfection tasks, and employers should consider creating a checklist to guide cleaning and disinfection procedures.
- b. Use disposable gloves to clean and disinfect. Follow other instructions for personal protective equipment (PPE) use, contact time, etc. on product labels. Staff should wash hands after cleaning and disinfection occurs.
- c. Cleaning and disinfecting supplies should be made readily available by the business.
- d. When disinfecting, use an [EPA-approved disinfectant](#) effective against the novel coronavirus.
- e. CDC recommends that when no people with confirmed or suspected COVID-19 are known to have been in a space, cleaning high-touch surfaces once a day is usually sufficient to remove virus that may be on surfaces. If a sick person, or someone with COVID-19, has been within a facility or space within the last 3 days, then cleaning and disinfection of that space should occur. If more than 3 days have passed since the person who is sick or diagnosed with COVID-19 has been in the space, no additional cleaning (beyond regular cleaning practices) is needed.
- f. Cleaning and disinfection of high-touch surfaces can be considered more frequently than once a day, especially if there is high community transmission of COVID-19, low mask compliance or poor hand hygiene, or if the space is used by [people at increased risk for severe illness from COVID-19](#).
- g. Maintain other routine facility cleaning and disinfection procedures.
- h. Avoid shared objects, if possible.
- i. Clean and disinfect shared objects between use, especially if objects might be contaminated with a person's respiratory secretions or saliva (e.g., toys in childcare classrooms). At a minimum, ensure hand hygiene is practiced by all persons before and after use of a shared object.
 - i. Objects that are not able to be cleaned or disinfected (e.g., books, papers, etc.) can still be shared, if necessary, but focus should be on good hand hygiene before and after use of shared objects.



UNIVERSAL BEST PRACTICES

11. Improving Building, Room, and Space Ventilation: Evaluate ventilation systems to increase room and overall building ventilation, including increasing the number of air exchanges with outdoor air, limit internal air circulation, improve central air filtration or other upgrades to HVAC systems. CDC guidance on [ventilation in buildings](#) provides helpful information for evaluating and improving building, room, and other space ventilation. Ventilation is also important to increase in other non-building spaces, such as on buses or public transportation – in such situations, a vehicle’s ventilation can be increased by opening windows (if weather permits) or using the vehicles air system to bring in outdoor air and avoid re-circulating internal air. In enclosed spaces, improving ventilation should be combined with attempts to maximize physical distancing between people and face mask use.

12. Public Health Contact Tracing, Isolation and Quarantine: “Contact tracing” refers to the act of investigating who has been in close contact with a person diagnosed with COVID-19 so that the person infected can be “isolated” and the people who have been in close contact can be “quarantined” to reduce further spread of the virus. Contact tracing, isolation, and quarantine, should be a collaborative effort between the New Hampshire Division of Public Health Services (DPHS), Bureau of Infectious Disease Control (BIDC) and the business or organization where the COVID-19 exposure occurred.

- a. COVID-19 exposures at businesses and organizations should be promptly reported to NH DHHS DPHS Bureau of Infectious Disease Control at 603-271-4496. Reporting of infectious diseases and furnishing requested infectious disease-related business information (including patron and employee information) is a requirement under NH [RSA 141-C](#).
- b. NH DPHS can provide assistance with contact tracing and guidance to prevent/control spread of COVID-19, including in outbreak situations.
- c. To assist with identifying “close contacts” of people with COVID-19, and to avoid the need for possible public notification, it is recommended that businesses and organizations maintain attendance / customer lists and seating charts, including having assigned seating in situations where it’s feasible (e.g., buses, school classrooms, etc.)





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Founded December 15, 1727
Chartered January 1, 1991

TOWN OF NEWMARKET, NEW HAMPSHIRE

ATTACHMENTS:

Description	Upload Date	Type
Ordinance No. 6 2020/2021 Reaffirming Wearing Face Coverings	4/30/2021	Cover Memo

TOWN OF NEWMARKET, NEW HAMPSHIRE

BY THE NEWMARKET TOWN COUNCIL

EMERGENCY ORDINANCE NO. 06-2020/2021

AN ORDINANCE REAFFIRMING REQUIRING THE WEARING OF FACE COVERINGS UNDER CERTAIN CONDITIONS WITHIN THE TOWN OF NEWMARKET

THE TOWN OF NEWMARKET ORDAINS:

1. Purpose

The purpose of this ordinance is to require the wearing of face coverings under certain conditions during the COVID-19 Pandemic. The Newmarket Town Council has the authority to enact such an emergency ordinance in accordance with Section 3.9 of the Town Charter and New Hampshire RSA 47:17 XV and RSA 147:1.

2. Ordinance

- I. Employees of all businesses shall wear a face covering over their mouth and nose when interacting with the public and whenever they are within six feet of a co-worker or a customer.
- II. Members of the public entering any business, including without limitation any outdoor area where business of any sort is conducted, work site, or government building must wear a face covering, such as a fabric mask, scarf, or bandana over their nose and mouth. Policies regarding face coverings in governmental buildings within the geographical boundaries of the Town of Newmarket adopted by the governmental entity having jurisdiction are hereby recognized by this ordinance and shall not be deemed to be contradictory to the requirements stated herein.
- III. Members of the public entering a restaurant for the purpose of picking up food for takeout or any other purpose must wear a face covering over their mouth and nose. Members of the public dining indoors or outdoors at a restaurant may remove face covering while seated at their table. Members of the public must wear a mask when entering, using, or leaving the restroom of a restaurant.
- IV. Members of the public utilizing sidewalks and other pedestrian public ways, or public recreational lands or golf courses, are strongly encouraged but not required to wear a face covering to the fullest extent practicable and especially when there is a high likelihood of coming into contact with others and social distancing of at least six feet may not be possible.
- V. As used herein "face covering" means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose, mouth, and

surrounding areas of the lower face. A face covering may be factory made or homemade and improvised from ordinary household material.

- VI. Notwithstanding the above this order does not require children under 5 years of age to wear face covering (parents should make their own judgment). Face covering is not recommended for children less than 2 years of age.
- VII. A face covering is also not required to be worn by any person if said person can show a medical professional has advised that wearing a face covering may pose a risk to said person for health related reasons.

3. Penalties

Anyone who violates this ordinance may be subject to fines in the amount of \$50 for the first offence, \$100 for the second offense, and \$500 for the third and subsequent offenses, and/or may be summoned to the 10th District Court Brentwood Division.

4. Takes Effect

In accordance with Section 3.9 of the Town Charter, this Emergency Ordinance shall be effective upon adoption and shall stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance by the Town Council in the manner specified in Section 3.9 of the Charter if the emergency still exists.

First Reading

April 7, 2021

Second Reading

None Per Town Charter – Emergency Ordinance

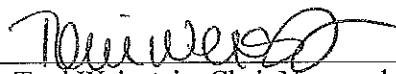
Final Action by Council

April 7, 2021

VOTING RECORD

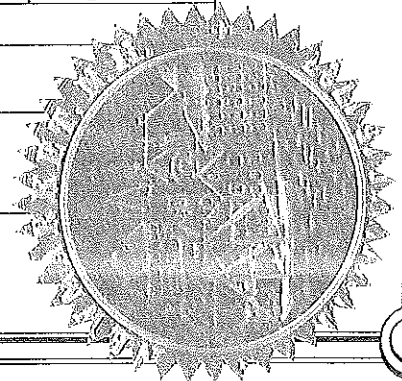
Date of Vote:	YES	NO	ABSTAIN
Councilor Helen Sanders	✓		
Councilor Zachary Dumont		✓	
Councilor Scott Blackstone	✓		
Councilor Megan Brabec	✓		
Councilor Jon Kiper	✓		
Councilor Katanna Conley	✓		
Chair Toni Weinstein	✓		
Total Votes:	6	1	0
Ordinance: Does Pass as Amended.			

Approved:


Toni Weinstein, Chair Newmarket Council

A True Copy Attest:


Terri Littlefield, Town Clerk





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TOWN OF NEWMARKET, NEW HAMPSHIRE

STAFF REPORT

DATE: May5, 2021

TITLE: Resolution #2020/2021-43 - Water and Sewer Rate Increases

PREPARED BY: Sean T. Greig Environmental Services Director

TOWN MANAGER'S COMMENTS - RECOMMENDATION:

I recommend passage of this resolution

BACKGROUND:

Previously, I presented to the town's people and Town Council that the design, construction, and operation and maintenance of the new Wastewater Treatment Facility would cause the sewer rates to more than double. The Town Council was presented the option of having several yearly level sewer rate increases, or a one-time large sewer rate increase. The Town Council chose to go with the level yearly sewer rate increases. The level rate increase projection chart was presented to the Town Council in 2013. We continue to monitor our revenues and expenses very closely so that we have been able to have smaller increases. The Department is still deficit spending, and will need to reach the \$13.80 so that revenues meet expenses.

FY	Sewer Rate	FY	Sewer Rate
2012-2013	\$6.70	2017-2018	\$10.50
2013-2014	\$7.46	2018-2019	\$11.26
2014-2015	\$8.22	2019-2020	\$12.02
2015-2016	\$8.98	2020-2021	\$12.78
2016-2017	\$9.74	2021-2022	\$13.54

The proposed sewer rate for FY 2019-2020 is \$12.65 for each 750 gallons consumed, plus \$10.00 per quarter system charge. The increase would be a \$30.00 per year increase on the average single family home sewer user.

The Water Department currently replacing water mains and improving its water systems water pumping capacity and water quality. In order to meet the costs due to the water infrastructure improvements, the Department will be increasing water rates for the next couple of years to reach the \$7.75 range. The projected rate increase after this year is \$0.50 per year.

The proposed water rate for FY 2019-2020 is \$6.25 for each 750 gallons consumed, plus \$10.00 per quarter

system charge. The increase would be a \$24.00 per year increase on the average single family home water user.

DISCUSSION:

Does the Town Council want to approve the water and sewer rate increases.

FISCAL IMPACT:

The average Newmarket residential home Sewer User consumes 35,000 gallons of water per year. The cost for 35,000 gallons of water at the \$12.65 sewer rate is \$582.00 per year. The average Newmarket apartment consumes 27,000 gallons of water per year. The cost of 27,000 gallons of water at the \$12.65 sewer rate is \$455.40 per year. The cost per gallon for sewer at \$12.65 is 0.017 cents (less than 2 pennies a gallon).

The average Newmarket residential home Water User consumes 36,000 gallons of water per year. The cost for 36,000 gallons of water at the \$6.25 water rate is \$300.00 per year. The average Newmarket apartment consumes 27,000 gallons of water per year. The cost of 27,000 gallons of water at the \$6.25 water rate is \$225.00 per year. The cost per gallon for water at \$6.25 is 0.008 cents (less than a penny a gallon).

RECOMMENDATION:

I recommend the Town Council approve the rate increases.

ATTACHMENTS:

Description	Upload Date	Type
Resolution #2020/2021-43 Water Rate Increase	4/13/2021	Cover Memo



TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council

Resolution #2020/2021 - 43
Increase of Water and Sewer Rate

WHEREAS: water and sewer rates shall be determined by the Town Council from time to time in amounts that will adequately cover the costs of operation, maintenance, and repair of existing infrastructure, and also for reasonable extensions and replacements to existing mains, and toward acquisition of future water supply, plant and equipment, and

WHEREAS: The Town of Newmarket has major improvements to the wastewater treatment facility and has begun major improvements to its water system infrastructure and needs to raise additional income to cover the capital improvement costs.

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

The Town Council does hereby approve the following water rates to be effective for the August 2021 quarterly billing:

Water and sewer users will be billed \$6.25 and \$12.65 per 100 cubic feet of water consumed respectively.

First Reading: April 21, 2021

Second Reading: May 5, 2021

Approval: May 5, 2021

VOTING RECORD			
Date of Vote:	YES	NO	ABSTAIN
Councilor Conley			
Councilor Sanders			
Councilor Blackstone			
Councilor Brabec			
Councilor Kiper			
Vice Chair Dumont			
Chair Weinstein			
Total Votes:			
Resolution: Does Does Not pass.			

Approved: _____
Toni Weinstein, Chair Town Council

A True Copy Attest: _____
Terri Littlefield, Town Clerk



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Founded December 15, 1727
Chartered January 1, 1991

TOWN OF NEWMARKET, NEW HAMPSHIRE

STAFF REPORT

DATE: May5, 2021

TITLE: Resolution #2020/2021-44 - Water/Sewer System Development Connection Fee

PREPARED BY: Sean T. Greig Environmental Services Director

TOWN MANAGER'S COMMENTS - RECOMMENDATION:

I recommend passage of this resolution

BACKGROUND:

The Town is interested in rescinding the current water and sewer impact fee structure, and implementing a new system development charge connection fee. The water department currently has impact fees that have considerable limitations on how the fees can be spent. The purpose of this change is to provide the departments with greater flexibility when assessing the true “buy-in” cost as well as the use of the collected funds.

DISCUSSION:

Does the Town Council wish to move ahead with developing the new system development charge connection fee?

FISCAL IMPACT:

The cost to develop the new system development charge connection fee is \$8,000.00 for each department for a total of \$16,000. The Environmental Services Department will need to do a considerable amount of work for this project to reach the finish line. I recommend that \$8,000.00 be charged to each of the water and sewer department's engineering budget line.

RECOMMENDATION:

I recommend the Town Council approve the change to the new system development charge connection fee, and authorize Wright-Pierce to perform the work for a budget sum of \$16,000.00.

ATTACHMENTS:

Description	Upload Date	Type
Resolution #2020/2021-44 - Development Connection Fee	4/6/2021	Cover Memo
System Development Connection Fee	4/1/2021	Cover Memo

CHARTERED JANUARY 1, 1991

FOUNDED DECEMBER 15, 1727



TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council

Resolution #2020/2021 - 44
New System Development Connection Fee

- WHEREAS:** The town would like to change from its current water and sewer impact fees system to a new system development charge connection fee system, and
- WHEREAS:** Wright-Pierce is the town's current engineer of record, and has provided the town a cost proposal of \$16,000.00 to complete the project, and
- WHEREAS:** The funds for the project will come out of the water and sewer budgets.

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

Town Council approve the change to the new system development charge connection fee, and authorize Wright-Pierce to perform the work for a budget sum of \$16,000.00.

First Reading: April 21, 2021

Second Reading: May 5, 2021

Approval: May 5, 2021

VOTING RECORD			
Date of Vote:	YES	NO	ABSTAIN
Councilor Dumont			
Councilor Sanders			
Councilor Blackstone			
Councilor Brabec			
Councilor Kiper			
Councilor Conley			
Chair Weinstein			
Total Votes:			
Resolution: Does Does Not pass.			

Approved: _____
Toni Weinstein, Chair Town Council

A True Copy Attest: _____
Terri Littlefield, Town Clerk

April 1, 2021
W-P Project No. T15954

Mr. Sean Greig, Environmental Services Director
4 Young Lane
Town of Newmarket, NH 03857

Subject: Water and Sewer Connection Fee Development
Proposal for Professional Engineering Services

Dear Sean:

The Town has expressed interest in rescinding the current water and sewer impact fee structure, and implementing a new system development charge (SDC) connection fee. The purpose of this change is to provide the Town with greater flexibility when assessing the true “buy-in” cost to users seeking connection to the water and sewer systems. This letter presents our proposed approach and associated fee for developing new SDCs.

The proposed scope below will build upon the previous work completed for the Town and will update and employ a similar approach as those developed in the *Methodologies for the Calculation of Impact Fees, Newmarket, NH* (BCM Planning, 2000). We are pleased to offer the following scope of services with assistance from BCM Planning LLC to provide the Town with a new SDC rate structure in addition to providing general review of the Town’s proposed ordinance revisions.

Scope of Services

- I. Provide guidance and review of the Town’s proposed ordinance revisions to rescind the Impact Fee structure and replace with a System Development Charge structure.
- II. Develop updated System Development charges for the *sewer system* including updating the capital value of critical treatment, pumping, and collection system assets, identifying planning level capital costs for future improvements to maintain capacity, developing capacity costs and credits per Unit of Demand (i.e., gpd), and working with the Town to develop residential and non-residential SDC schedules.
- III. Develop updated System Development charges for the *water system* including updating the capital value of critical treatment, pumping, and collection system assets, identifying planning level capital costs for future improvements to maintain capacity, developing capacity costs and credits per Unit of Demand (i.e., gpd), and working with the Town to develop residential and non-residential SDC schedules.
- IV. Provide a comparison of the developed Town specific SDC’s to surrounding municipality “tap” or connection fees.

Mr. Sean Greig, Environmental Services Director

April 1, 2021

Page 2 of 2



- V. Prepare a Summary Memorandum of the SDC development and proposed rate structure for the Town's review. Meet with the Town to discuss comments, and incorporate comments from the Town as necessary.

The not to exceed fee breakdown for this work, including all subcontractor scope and expenses, is as follows:

- Part 1: Water Infrastructure = \$8,000
- Part 2: Wastewater Infrastructure = \$8,000

Based on discussions with the Town, it has been understood that additional fees may be required depending on the effort required to develop the new structure.

We appreciate the opportunity to be of service to the Town. We are available to discuss this proposal at your convenience. If this scope of services and budget is acceptable, we will forward a Contract for execution. In the interim, if you have any questions or comments, please do not hesitate to contact us.

Sincerely,
WRIGHT-PIERCE

Michael A. Curry
Project Manager
Michael.curry@wright-pierce.com

cc:

Tim Vadney, PE



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Founded December 15, 1727
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TOWN OF NEWMARKET, NEW HAMPSHIRE

STAFF REPORT

DATE: May5, 2021

TITLE: Resolution #2020/2021-45 - Water Treatment Plant Integration Programming Services

PREPARED BY: Sean T. Greig Environmental Services Director

TOWN MANAGER'S COMMENTS - RECOMMENDATION:

I recommend passage of this resolution

BACKGROUND:

The Town's Water Department is in the process of constructing a water treatment facility that will remove arsenic from the MacIntosh and Tucker well water to comply with the new State of New Hampshire 5 ug/L arsenic limit. The General Contractor disputed that the scope of integration programming services was not included in the contract, and that Kinsmen did not carry any monies for the integration programming services. Upon further review of the bidding documents, it was found that the bid documents were unclear and contractors were unable to include an integration programming services figure in their bid.

These kind of problems do happen from time to time on large construction projects. Normally they are handled by a change order. I do not recommend a change order to solve this problem. I recommend that this integration programming services be performed with an amendment to the Wright-Pierce Construction Administration Contract. This will save the project at least \$8,371. Wright-Pierce at their cost has received pricing to perform the integration programming services from Electrical Installations, Inc. (EII) and Wilson Controls for the sum of \$55,804 and \$58,450 respectively. The integration programming services work will be subcontracted directly through Wright-Pierce with zero mark-ups. Wright-Pierce will handle receipt and processing of subcontractor invoices and oversight of the contractor work at no additional cost to the town. The project does have enough funds in the contingency to cover the integration programming services to be performed by EII for a sum of \$55,804. The additional benefit is that the Town and Wright-Pierce will be able to work directly with EII to have better control of the integration and programming.

DISCUSSION:

Does the Town Council authorize the Town Manager to enter into agreement with Wright-Pierce to amend the water treatment plant construction administration contract by the sum of \$55,804 to include integration

programming services?

FISCAL IMPACT:

The Integration programming services cost will come out of project contingency.

RECOMMENDATION:

I recommend the Town Council authorize the Town Manager to enter into agreement with Wright-Pierce to amend the water treatment plant construction administration contract by the sum of \$55,804 to include integration programming services.

ATTACHMENTS:

Description	Upload Date	Type
Resolution #2020/2021-45 Water Treatment Plant Integration Programming Services	4/14/2021	Cover Memo
Amendment # 3 3-31-21	4/7/2021	Cover Memo



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

Resolution #2020/2021 - 45

Water Treatment Plant Integration Programming Services

- WHEREAS:** The Water Department is constructing a new water treatment facility to remove arsenic, and
- WHEREAS:** The Integration programming services was not included in the contract, and
- WHEREAS:** The integration programming services work will be subcontracted directly through Wright-Pierce with zero mark-ups at a cost of \$55,804, and
- WHEREAS:** Wright-Pierce will handle receipt and processing of subcontractor invoices and oversight of the contractor work at no additional charge.

NOW, THEREFORE, BE IT RESOLVED BY THE NEWMARKET TOWN COUNCIL THAT:
authorize the Town Manager to enter into agreement with Wright-Pierce to amend the water treatment plant construction administration contract by the sum of \$55,804 to include integration programming services.

First Reading: April 21, 2021

Second Reading: May 5, 2021

Approval: May 5, 2021

VOTING RECORD			
Date of Vote:	YES	NO	ABSTAIN
Councilor Conley			
Councilor Sanders			
Councilor Blackstone			
Councilor Brabec			
Councilor Kiper			
Vice Chair Dumont			
Chair Weinstein			
Total Votes:			
Resolution: Does Does Not pass.			

Approved: _____
Toni Weinstein, Chair Town Council

A True Copy Attest: _____
Terri Littlefield, Town Clerk

March 31, 2021
W-P Project No. 14146C

Mr. Sean Greig
Town of Newmarket
Environmental Services Director
8 Young Lane
Newmarket, NH 03857

Subject: MacIntosh and Tucker Well Water Treatment Project
Additional Services- Programming

Dear Sean,

Following bidding and award of the above referenced project, the General Contractor disputed the scope of programming services to be provided under the Contract, indicating that they did not carry costs for this work. Wright-Pierce has investigated the matter and we have summarized our findings and recommended course of action below.

Applications Engineering Supplier Services (AESS) is a term used to describe programming services required for certain water and wastewater projects. These AESS services are typically provided either by the Owner's normal AESS or put out for open bid to all qualified AESS contractors. When the Owner's AESS is used, the item is normally paid for as a single, fixed, non-negotiable, allowance amount. The estimated cost of this allowance item is obtained by the Engineer during design, prior to bidding, by producing summary bid specifications and drawings used to obtain quotes from the Owner's AESS. Allowances do not typically have General Contractor markup on costs. When AESS is put out as an open bid item, additional engineering is needed to produce detailed specifications and drawings for the Contractor's use, and the AESS item is subject to a markup percentage by the General Contractor.

Extensive value engineering was performed during the design of this project in order to bring project costs in line with the available funding while also provide a quality, cost effective product. In an effort to obtain competitive pricing on all items, AESS was intended to be included under the lump sum items for the water treatment plant construction and bid as an open item.

During bidding Wright-Pierce made revisions by addendum to the specifications that we believed clarified AESS was to be provided and paid for through the Contract under the lump sum item for the water treatment plant construction. No bidders officially or unofficially submitted a question on the clarity of AESS prior to, or following, the revisions issued by addenda. After investigation into the matter during construction, it was discovered that the alterations to the bid specifications left room for interpretation on how the item was to be provided. There was a miscommunication during design and bidding and the Contract Documents did not supply sufficient technical information for this work to be bid as an open item.



We recognize that this creates a challenge for the Town, which ideally would have been addressed and avoided during design by Wright-Pierce. We are making efforts to remedy the situation as soon as possible to avoid delaying construction. At no additional cost to the Town, we have already performed the additional work that would have been required to bid AESS as an allowance. We have revised technical specifications and drawings, produced a scope of work for completion of AESS services associated with the project, and solicited two competitive quotes from local AESS contractors. After discussions with the Town, we recommend that Electrical Installations, Inc. (EII) be contracted under Wright-Pierce's current construction administration contract to complete the AESS work for the project.

Contracting directly with Wright-Pierce to subcontract EII for this work will benefit the Town in several ways:

- This work will now be done as if it were an allowance item, meaning the cost will not be marked up (15%) by the Contractor.
- This work will be subcontracted directly through Wright-Pierce to EII with zero markup by Wright-Pierce.
- Contracting in this way will allow for direct communication between the AESS and the Engineer. This will provide for more control for Newmarket over the finished programming product and may improve project schedule.
- Wright-Pierce will handle receipt and processing of subcontractor invoices and oversight of the Contractor's work at no additional cost to the Town

We sincerely apologize for this situation and are ready to proceed with resolving this matter, if authorized by the Town. We will continue to work with all parties involved to move towards successful completion of this project and the ultimate goal of delivering clean, safe drinking water to the residents of Newmarket.

Sincerely,
WRIGHT-PIERCE

Christopher D. Berg, PE
Senior Project Manager
chris.berg@wright-pierce.com

Timothy R. Vadney, PE
Vice President
tim.vadney@wright-pierce.com

Enclosures

cc:

This is **EXHIBIT K**, consisting of **2** 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. 3

The Effective Date of this Amendment is: 3/31/2021 .

Background Data

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

Owner: Town of Newmarket, NH

Engineer: Wright-Pierce

Project: MacIntosh and Tucker Well Water 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:

Programming Services during Construction and Startup Phase as described below:

Additional services to be provided by Engineer shall include furnishing the services of an "Application Engineering Services Supplier" (programmer) for the MacIntosh and Tucker Well Water Treatment Facility project. Programming will be provided through Wright-Pierce's subcontractor Electrical Installations, Inc.

The below is a modification to EXHIBIT A, Engineer for Professional Services

A1.06 Construction Phase

- A. Upon successful completion of the Bidding and Negotiating Phase, and upon written authorization from Owner, Engineer shall:

28. Furnish the services of an "Application Engineering Services Supplier" for the project as defined by the MacIntosh and Tucker Well Water Treatment Facility Construction Contract Documents.

Fee Summary:

The compensation entitled to Engineer for charges of Engineer's Consultants as defined by Article 2, for the tasks defined below, shall be the amounts billed by Engineer's Consultants to Engineer times a factor of ~~1.10~~ 0.00.

Task	Cost
Programming	\$55,804

Agreement Summary:

Original agreement amount:	\$ 391,000
Net change for prior amendments:	\$ 834,000
This amendment amount:	\$ 55,804
Adjusted Agreement amount:	\$ 1,280,804

Change in time for services (days or date, as applicable): 0 days

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

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:

By:

Print

name:

Richard N Davee, PE

Title:

Title:

Senior Vice President

Date Signed:

Date Signed:

3/31/2021

Exhibit K – Amendment to Owner-Engineer Agreement.

EJCDC® E-500, Agreement Between Owner and Engineer for Professional Services.

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☒ **MAIN OFFICE**
397 Whittier Highway
Moultonboro, NH 03254
603-253-4525
FAX 603-253-6284

☐ **BRANCH OFFICE**
930B American Legion Hwy
Westport, MA 02790
508-636-8600
FAX 508-636-8650

VT License EM-2667

ME License 7905

NH License 46C

MA License 221MR

November 24th, 2020

EI Proposal – Q20-53

RE: Newmarket, NH Tucker/MacIntosh Well Programming

Attn: Paul Denis

On behalf of Electrical Installations, Inc., I am pleased to offer our quotation for the above referenced project. Scope as follows:

- **Programming:**
 - New PLC in MCP
 - PLC Programming
 - OIT Programming
 - New PLC in FCP integration (PLC by Div 11)
 - Existing McIntosh Well PLC Modifications
 - VTSCADA Integration
 - New development license at WTP
 - Integrate at WWTP
 - 3 Days extra programming
 - SCADA Training
 - Time for Coordination meetings

Total Price:

\$55,804.00

Excluded from our pricing is:

- Equipment not specifically listed above
- Internet from cable companies
- Extended Retainage

We look forward to working with you on this project. If you have any questions, please contact me.

Sincerely,

James Fritz Jr
Project Manager

Please sign and return upon approval

P.O. Number _____ **Date:** _____

Signature: _____

February 27, 2021

Wilson Controls Quote #210223

Mr. Christopher Berg
Wright-Pierce



288 CALEF HIGHWAY
LEE, NH 03861
617.701.3900: T
978.517.1321: F

Reference: Macintosh and Tucker Well Water Treatment Facility – Programming Quote
Newmarket, NH

Specifications: W-P Memorandum – Programming Scope Dated February 22, 2021
13441 Control Loop Descriptions

Dear Chris,

Wilson Controls is pleased to provide a scope of work and quotation for reference project and Specifications noted above for your review and consideration. This includes Complete Programming of the MCP and Integration of Existing McIntosh Well and new FCP as fully outlined in the referenced Memorandum noted above.

Technical Services:

- 1) Submittals
- 2) Programming – PLC, OIT & SCADA
- 3) Factory Acceptance Testing
- 4) Startup, Testing and Training
- 5) Final Documentation

Clarifications:

- 1) Greensand Filter Manufacturer under Specification 11200 shall be responsible for fully programming & Startup of their own AB PLC & OIT. Wilson Controls to integrate their system into the new SCADA System as outlined in Specification 1344-3.3

PRICING AND DELIVERY

Prices are based on quantities indicated and are priced each for items described above.

Proposal Price\$58,450.00

Submittals 8-12 weeks after receipt of Purchase Order
Delivery: 2-4 weeks after receipt of approved submittals

Thank you for the opportunity to quote you on this project. Please don't hesitate to call if you have questions or concerns: 603-422-5271

Sincerely,

Scott E. Drapeau

Scott E. Drapeau, P.E.
Wilson Controls, LLC

The information contained within this document is to be considered confidential and proprietary. It shall not be distributed or communicated to other individuals or parties except those directly involved with Wilson Controls, LLC and its affiliates on this particular application. Under no conditions shall this document or the information contained within be communicated to competitors of Wilson Controls, LLC and its affiliates.



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
Public Hearing Notice	4/12/2021	Cover Memo
Ordinance No. 7 Live Music Event License	4/29/2021	Cover Memo
Ordinance Committee Proposed Amendment	4/29/2021	Cover Memo



TOWN OF NEWMARKET, NEW HAMPSHIRE

NOTICE OF PUBLIC HEARING NEWMARKET TOWN COUNCIL

Notice is hereby given that the Town Council will hold a Public Hearing on Wednesday, April 21, 2021 at 7PM at the Newmarket Town Hall, in the Town Hall Auditorium located at 186 Main Street, Newmarket, NH and via Zoom to receive input on the following proposed Ordinance:

**Ordinance No. 07 2020/2021 – AN ORDINANCE AMENDING CHAPTER 18 OF
THE CODE OF THE TOWN OF NEWMARKET, NH; ESTABLISHING
LICENSES AND PERMITS FOR LIVE SHOWS AND EVENTS**

The Town of Newmarket Ordains:

1. Purpose

The purpose of this ordinance is to require licenses for certain live performances and events, as well as create a Town Licensing Board.

The meeting will be conducted in the Town Hall Auditorium and is available via Zoom. You may join Zoom Meeting <https://zoom.us/j/9117025727> Meeting ID: 911 702 5727, 1 646 558 8656. If you have difficulty connecting, please call 603-659-3617 Ext, 1321.

TOWN OF NEWMARKET, NEW HAMPSHIRE

BY THE NEWMARKET TOWN COUNCIL

ORDINANCE NO. 7 – 2020/2021

AN ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF THE TOWN OF NEWMARKET, NH; ESTABLISHING LICENSES AND PERMITS FOR LIVE SHOWS AND EVENTS

THE TOWN OF NEWMARKET ORDAINS:

1. **Purpose**
The purpose of this ordinance is to require licenses for certain live performances and events, as well as create a Town Licensing Board.
2. **Amendment**
Chapter 18 is hereby amended by adding the following article:

ARTICLE VI: LICENSES AND PERMITS FOR SHOWS AND EVENTS

129. **Purpose**

A Licensing Board for the Town of Newmarket is hereby constituted under the provisions of RSA 286 and any other powers granted by State statute, to consist of the Council Chair, the Chief of Police and the Town Manager or his/her designee.

The Board shall investigate and decide the question of granting licenses and permits and may grant revocable blanket licenses to fraternal and other like organizations, the subject matter of which is within the jurisdiction of this chapter. The Board may also hear and decide applications for permits to conduct organized activities on or about public properties. The Board may also grant licenses and permits on private property when the regulations of the show, event or dance thereon is authorized by State statute.

130. **Permits.**

Persons or organizations shall obtain a permit from the Licensing Board for the following purposes:

1. Solicit funds for charitable purposes.
2. Erect banners.
3. Tag days.
4. Conduct parades or processions, festivals or races, walk-a-thons, public demonstration or protest on public property or highway.
5. Conduct a carnival, tent show, fair, circus, dance exhibition or demonstration, or any open-air public meeting, outdoor live music shows including public dance, disc jockey, karaoke, or other amplified outdoor music event in which the public is invited for pay.
6. Movie theater.
7. The temporary closing of any Town street for the purpose of community related or private events. A certificate of insurance in the amount of \$1,000,000, acceptable to the Town, that names the Town of Newmarket as an additional insured shall be required. The Licensing Board, at its discretion, may require additional conditions at no cost to the Town to include, but not limited to,

a higher insurance binder amount, police or fire details, or other measures to ensure the public safety.

8. Any public dance or ball to which admission may be had by the payment of a fee or which the public may gain admission without payment of a fee, or a dance which is held as part of any other public entertainment, amusement, or exhibit.

131. Fees

Each applicant shall pay in advance for such license as follows:

1. Annual Fee – a yearly license may be issued for an annual fee of \$100.00 for dances or live entertainment held in all places, including restaurants, bars and lounges. Annual fees for dances shall only apply to the ordinary and usual entertainment referred to in the license. Any sexually explicit dancing shall not be included within the annual dance fee and requires separate application.
2. Daily Fee - A license for an event in any place may be issued for a daily fee of \$15.00, unless otherwise stated in another section, for each day or event, unless specifically waived by the Licensing Board.
 - i. License fees for carnivals, circuses, traveling tent shows and the like shall be determined by the Board within the limits of said Chapter 286 RSA.
3. The annual license fee for a movie theater shall be \$150.00.

132. Expiration

Licenses granted shall be issued by the Licensing Board, and annual licenses shall be valid for one year, expiring on the 30th of April, unless specified in Chapter 286.

133. Application and Permits

A written application for a permit must be submitted seven days prior to the date of the event. The application shall contain the following information:

1. Name or Name of Organization
2. Name, address and telephone number of Person in Charge
3. Purpose
4. Dates and times
5. Specific location(s)
6. Names of authorized people and participants
7. If the request would require a temporary waiving of Planning and Zoning ordinances of the Town of Newmarket, the Licensing Board shall first refer the application to the applicable board for review and recommendation prior to deciding on the application.
8. The permit when issued shall contain the effective date, expiration date, the purpose and the name, address, and telephone number of the responsible person.
9. Permits and licenses issued under this chapter are not transferable and are of limited duration unless otherwise specified in the permit or license.
10. Permits and licenses issued may be rescinded or revoked at any time.

11. A police officer(s) may be assigned to a particular function when deemed necessary and proper in the interest of public safety. The expenses shall be borne by the individual or organization sponsoring the event.
12. All live music, dances, public exhibitions and shows set forth herein shall be discontinued and the hall and location closed as set forth in the permit but must be discontinued on or before the hour of 1:30 a.m. unless otherwise waived by the Chief of Police for good cause.

134. **Penalty.**

Any person, organization or corporation who violates any of the provisions of this chapter shall be fined not less than \$100.00 for each offense.

135. **Severability.**

It is the intention of the Town Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein and it is further the intention of the Town Council that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

3. **Takes Effect**

This ordinance shall take effect fourteen (14) days after passage and publication of notice as required by RSA 47:18

<i>First Reading:</i>	<i>April 7, 2021</i>
<i>Second Reading/Public Hearing:</i>	<i>April 21, 2021</i>
<i>Amendment:</i>	<i>April 21, 2021</i>
<i>Final Action by Council:</i>	

VOTING RECORD

Date of Vote:	YES	NO	ABSTAIN
Vice-chair Zachary Dumont			
Councilor Helen Sanders			
Councilor Scott Blackstone			
Councilor Megan Brabec			
Councilor Jonathan Kiper			
Councilor Katanna Conley			
Chair Toni Weinstein			
Total Votes:			
Ordinance: Does Does Not pass.			

Approved: _____
Toni Weinstein, Chair Newmarket Council

A True Copy Attest: _____
Terri Littlefield, Town Clerk

Ordinance Committee Proposed Amendments

TOWN OF NEWMARKET, NEW HAMPSHIRE

BY THE NEWMARKET TOWN COUNCIL

ORDINANCE NO. 7 – 2020/2021

**AN ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF THE TOWN
OF NEWMARKET, NH; ESTABLISHING LICENSES AND PERMITS FOR
LIVE SHOWS AND EVENTS**

THE TOWN OF NEWMARKET ORDAINS:

1. **Purpose**
The purpose of this ordinance is to require licenses for certain live performances and events, as well as create a Town Licensing Board.
2. **Amendment**
Chapter 18 is hereby amended by adding the following article:

ARTICLE VI: LICENSES AND PERMITS FOR SHOWS AND EVENTS

129. Purpose

A Licensing Board for the Town of Newmarket is hereby constituted under the provisions of RSA 286 and any other powers granted by State statute, to consist of the Council Chair, the Chief of Police and the Town Manager or his/her designee.

The Board shall investigate and decide the question of granting licenses and permits and may grant revocable blanket licenses to fraternal and other like organizations, the subject matter of which is within the jurisdiction of this chapter. The Board may also hear and decide applications for permits to conduct organized activities on or about public properties. The Board may also grant licenses and permits on private property when the regulations of the show, event or dance thereon is authorized by State statute.

Any individual may appeal the decision of the Licensing Board to the Town Council.

130. Permits.

Persons or organizations shall obtain a permit from the Licensing Board for the ~~following~~
purposes following purposes:

1. Solicit funds for charitable purposes.
2. Erect banners above public ways.
3. Tag days.
4. Conduct parades or processions, festivals or races, walk-a-thons, public demonstration or protest on public property or highway.

5. Conduct a carnival, tent show, fair, circus, ~~dance exhibition~~ or demonstration, or any open-air public meeting, outdoor live music shows including public dance, disc jockey, karaoke, or other amplified outdoor music event in which the public is invited for pay.
6. Movie theater.
7. The temporary closing of any Town street for the purpose of community related or private events. ~~A certificate of insurance in the amount of \$1,000,000, acceptable to the Town, that~~ names the Town of Newmarket as an additional insured shall be required. The Licensing Board, at its discretion, may require additional conditions at no cost to the Town to include, but not limited to, a higher an insurance binder amount that names the Town of Newmarket as an additional insured, police or fire details, or other measures to ensure the public safety.
8. ~~Any public dance or ball to which admission may be had by the payment of a fee or which the public may gain admission without payment of a fee, or a dance which is held as part of any other public entertainment, amusement, or exhibit.~~

131. Fees

Each applicant representing a for profit entity shall pay in advance for such license as follows:

1. Annual Fee – a yearly license may be issued for an annual fee of \$100.00 for dances or live entertainment ~~held in all places, including restaurants, bars and lounges, unless specifically waived by the Licensing Board.~~ Annual fees for dances shall only apply to the ordinary and usual entertainment referred to in the license. Any sexually explicit dancing shall not be included within the annual dance fee and requires separate application.
2. Daily Fee - A license for an event in any place may be issued for a daily fee of \$15.00, unless otherwise stated in another section, for each day or event, unless specifically waived by the Licensing Board.
 - i. License fees for carnivals, circuses, traveling tent shows and the like shall be determined by the Board within the limits of said Chapter 286 RSA.
3. The annual license fee for a movie theater shall be \$150.00.

132. Expiration

Licenses granted shall be issued by the Licensing Board, and annual licenses shall be valid for one year, expiring on the 30th of April, unless specified in Chapter 286.

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A written application for a permit must be submitted seven days prior to the date of the event. The application shall contain the following information:

1. Name or Name of Organization
2. Name, address and telephone number of Person in Charge
3. Purpose
4. Dates and times
5. Specific location(s)
6. Names of authorized people and participants

7. If the request would require a temporary waiving of Planning and Zoning ordinances of the Town of Newmarket, the Licensing Board shall first refer the application to the applicable board for review and recommendation prior to deciding on the application.
8. The permit when issued shall contain the effective date, expiration date, the purpose and the name, address, and telephone number of the responsible person.
9. Permits and licenses issued under this chapter are not transferable and are of limited duration unless otherwise specified in the permit or license.
10. Permits and licenses issued may be rescinded or revoked at any time.
11. A police officer(s) may be assigned to a particular function when deemed necessary and proper in the interest of public safety. The expenses shall be borne by the individual or organization sponsoring the event.
12. All live music, dances, public exhibitions and shows set forth herein shall be discontinued and the hall and location closed as set forth in the permit but must be discontinued on or before the hour of 1:30 a.m. unless otherwise waived by the Chief of Police for good cause.

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Any person, organization or corporation who violates any of the provisions of this chapter shall be fined not less than \$100.00 for each offense.

135. **Severability.**

It is the intention of the Town Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein and it is further the intention of the Town Council that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

3. **Takes Effect**

This ordinance shall take effect fourteen (14) days after passage and publication of notice as required by RSA 47:18

<i>First Reading:</i>	<i>April 7, 2021</i>
<i>Second Reading/Public Hearing:</i>	<i>April 21, 2021</i>
<i>Amendment:</i>	<i>April 21, 2021</i>
<i>Third Reading</i>	<i>May 5, 2021</i>
<i>Final Action by Council:</i>	<i>May 5, 2021</i>

VOTING RECORD			
Date of Vote:	YES	NO	ABSTAIN
Vice-chair Zachary Dumont			
Councilor Helen Sanders			
Councilor Scott Blackstone			
Councilor Megan Brabec			
Councilor Jonathan Kiper			
Councilor Katanna Conley			
Chair Toni Weinstein			
Total Votes:			
Ordinance: Does Does Not pass.			

Approved: _____
Toni Weinstein, Chair Newmarket 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

ATTACHMENTS:

Description	Upload Date	Type
Valerie Toukatly Application	4/21/2021	Cover Memo



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

Applicant's Name: Valerie Toukatly

Address: 17 Exeter Rd, Newmarket

Phone/Cell 315-271-5297

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

Email address: val@valtoukatly.com

Full membership (3 year term) position applying for Arts & Tourism Commission

State what the new term expiration date is: ~~2024~~ (?) December 2023

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'm a working artist with a background of both freelance/commission and studio work. For a few years I worked at the Gallery and Studios at Porter Mill (Beverly, MA), where I assisted the curator and owner in growing our connection to the community. I was eventually promoted to the position of Gallery Director, in charge of organizing and curating shows and events, as well as maintaining our social media and advertisements. We hosted several public events and participated in others such as art walks, art fairs, etc. From there I was invited to join the Beverly Arts District Committee, where I worked alongside other local business owners, political leaders, and artists, to cultivate our artistic community on a larger scale. I believe the goals of this committee were in line with those of the Newmarket Arts and Tourism committee, and therefore I feel my experience would be a valuable asset.

Above all, I am excited to see the arts grow and flourish in our town, and to participate in whatever capacity I can. Thank you for your time!

Valerie Toukatly
Signature

4/20/21
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.



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: May5, 2021

TITLE: Resolution #2020/2021-46 - PBX and Telephones Equipment Lease

PREPARED BY: William Tappan, Director of Finance & Administration

TOWN MANAGER'S COMMENTS - RECOMMENDATION:

I recommend passage of this resolution.

BACKGROUND:

In Spring of 2020 the thirty-six-month hosted PBX service contract with FirstLight expired and the town is currently on a month-to-month contract. At the time, the poor state of the town's IT network infrastructure made a PBX and telephone equipment upgrade untenable. Now that the network has been upgraded and is able to accommodate a new telephone system, it is possible to make the needed changes/upgrades to the PBX service and the telephone equipment.

DISCUSSION:

The current telephone equipment is aging and over time has required replacement. The arrangement with the current vendor (FirstLight) provided the telephone equipment on monthly charge basis. The town does not own the equipment, and whenever a phone needs replacing, Firstlight sends another and continues to charge. As an example of what the phones cost the town, April of this year will be used. For that month, the town was invoiced \$2,128.04, of that amount, \$1,447.28 was spent on the various handsets and conference phones, representing 68% of the combined department invoices. For 12 months, that equals \$17,367.36, 36 months equals \$52,102.08.

In light of the issues raised above, an RFP was developed and issued in March. One goal of the RFP process is to lower the overall cost of the equipment lease, another goal is to, at minimum, not increase the current cost of hosted PBX services. The response to the request was higher than anticipated with the town receiving 9 proposals. Two were disqualified for not having signed the non-collusion clause. The remaining 7 were evaluated based on nine non-cost related criteria and cost.

After reviewing each proposal and comparing them against each other (see attached analysis documents), they were found to be essentially comparable in terms of the quality and capability of the telephone equipment

recommended and the hosted PBX solutions; even the Service Level Agreements are similar. The differentiators are largely cost, equipment lease terms, geography and ability to provide onsite services and support, if needed. Regarding project work and support, the majority of the bidders proposed doing their work remotely. There are a few who could arrive onsite, but it is not the norm. That places the work of equipment setup on the town and/or a third-party outsourced provider. The same is true for training, which would be done online. While this is becoming more typical in our evermore Internet dependent world, having someone with the ability to be onsite for the project and, occasionally, for hands-on support can be important.

After evaluating the bidders against the cost and non-cost criteria, the three bidders with the highest composite scores were selected for comparison. The top three bidders were:

1. TSE digitalvoice (43 pts),
2. Vertical Communications (38 pts), and
3. Granite Telecommunications (38 pts).

Their scores were the result of very well written and edited proposals with all the information requested in the RFP. In this high-quality group, TSE digitalvoice stands out for a few reasons: it is the lowest cost bidder, it is a NH owned and based company with its main facility in Bedford, N.H., and it has experience supporting NH municipal and school district clients who are all quite happy with its services.

FISCAL IMPACT:

RECOMMENDATION:

Based on the analysis, TSE datavoice's proposal is recommended.

ATTACHMENTS:

Description	Upload Date	Type
Resolution #2020/2021-46 PBX and Telephones	5/4/2021	Cover Memo
PBX/Phones Proposal Analysis	4/30/2021	Cover Memo



TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council

Resolution #2020/2021-46

A Resolution Relating to Authorizing the Town Manager to Enter into
an Agreement for Hosted PBX Services and Telephone Equipment Lease

- WHEREAS:** the Town's hosted PBX service contract expired last year and is on a month to month contract, and the current telephones are old and some have failed during the past year; and
- WHEREAS:** the Town's hosted PBX system and telephone handsets are used extensively for business operations; and
- WHEREAS:** after evaluating proposals and acquiring answers to follow-up questions, the Director of Finance and Administration recommends the proposal submitted by TSE digitalvoice of Bedford, N.H.

NOW, THEREFORE, BE IT RESOLVED BY THE NEWMARKET TOWN COUNCIL THAT:
The Town Council authorizes the Town Manager to enter into an agreement with TSE digitalvoice in the amount not to exceed \$36,000 for a three year period (and continuing thereafter on an annual basis) utilizing the communication budget funds from each department.

First Reading: May 5, 2021

Second Reading: May 19, 2021

Approval: May 19, 2021

VOTING RECORD			
Date of Vote:	YES	NO	ABSTAIN
Councilor Conley			
Councilor Sanders			
Councilor Blackstone			
Councilor Brabec			
Councilor Kiper			
Vice Chair Dumont			
Chair Weinstein			
Total Votes:			
Resolution: Does Does Not pass.			

Approved: _____
Toni Weinstein, Chair Town Council

A True Copy Attest: _____
Terri Littlefield, Town Clerk

Rank	Bidders	Final Scores
1	TSE digital voice	43
2	Vertical Communications	38
2	Granite Telecommunications	38
4	Forerunner Technologies	34
5	WITPBX	32
6	FirstLight	27
6	Verizon	27

Non-Cost Evaluation Criteria

	Compliance	Ability	Experience	Staff Quality	Lease Terms	Service Cost	SLA	Collusion	Other	Totals	Notes
TSE digital voice	4	4	4	4	4	4	4	4	4	36	best proposal overall, NH company
Vertical Communications	4	4	4	3	2	4	4	4	3	32	strong proposal, geographically distant
Forerunner Technologies	4	4	4	4	1	2	4	4	3	30	strong proposal, geographically distant
Granite Telecommunications	4	4	4	4	3	2	4	4	4	33	very strong proposal, MA HQ, but support in VA
WITPBX	4	3	3	3	4	3	3	4	2	29	no onsite services
FirstLight	3	3	3	4	1	2	3	4	2	25	incomplete proposal at submission
Communications Square	3	4	2	4	1	1	4	1	2	22	disqualified, didn't sign non-colusion
Verizon	3	3	4	3	2	2	3	4	2	26	poorly edited and organized proposal, work by subs
INTLX Solutions	4	3	3	4	1	1	4	1	2	23	disqualified, didn't sign non-colusion

Note: proposals have been evaluated according to a Likert scale of 1 to 4; 1 = none, 2 = low , 3 = moderate, 4 = High. The highest possible score is 36.
The "Other" category refers to the overall quality of the proposal (clarity, adherence to the RFP, editing, etc.).

Glossary:

Compliancemeans compliance with the equipment specifications, or approved equivalent as outlined in the RFP.

Abilityrefers to the bidders' ability to provide the equipment, capabilities required, services and support.

Experience refers to the vendors' experience in managing telecommunications refresh/upgrade projects.

Staff qualityrefers to the qualifications and experience of the staff assigned to the project and subsequent support.

Lease terms refers to the terms of the telephone equipment lease and purchase option.

Collusionreferes to whether or not the vendor has signed the non-collusion statement.

Other refers to the overall quality of the proposal, geographic location, ability to provide onsite services, etc.

PBX Ecosystem/Telephone Equipment Comparison

Bidder	Telephone Handsets Proposed	PBX ecosystem
TSE digital voice	Grandstream GRP2615/2616/GBX20	Free PBX/Asterisk based/Sangoma
Vertical Communications	Polycom VVX450/VVX250/VVXEM50	8x8
Granite Telecommunications	Polycom VVX450/VVX250	Granite Hosted Voice and PBX (proprietary, likely Asterisk based)
Forerunner Technologies	NEC DT900S_32LCGS/DCK50-1 consoles/Polycom conference pods	Univerge Blue Connect/Univerge Blue Engage (NEC proprietary solution)
WITPBX	Offer Polycom, Grandstream, Yealink (not specified in bid)	WITPBX Host Telecom Solutions /Asterisk based/Sangoma
FirstLight	Polycom VVX311/VVX411	Firstlight Cloud Communications Hosted PBX (proprietary)
Verizon	Yealink T46S IP Desk Phone (proprietary One Talk Desk Phone)	Verizon One Talk System (proprietary)

Cost Evaluation

Rank	Vendor Name	City	State	PBX Mthly Cost	Equip Mthly Cost	Mthly Total	PBX Annl Cost	Equip Annl Cost	Annual Total	Project Cost	First Yr Cost	36 Mth Cost
7	TSE digital voice	Bedford	NH	370	446.28	816.28	4,440.00	5,355.36	9,795.36	3,545.00	13,340.36	29,386.08
6	FirstLight	Waltham	MA	944.62	340.65	1,285.27	11,335.44	4,087.80	15,423.24	1,205.00	16,628.24	46,269.72
5	Vertical Communications	Roswell	GA	873.05	462.38	1,335.43	10,476.60	5,548.56	16,025.16	2,400.00	18,425.16	48,075.48
4	Verizon	NYC	NY	1,555.00	39.90	1,594.90	18,660.00	478.80	19,138.80	3,374.93	22,513.73	57,416.40
3	Forerunner Technologies	Edgewood	NY	1,677.35	-	1,677.35	20,128.20	-	20,128.20	1,718.28	21,846.48	60,384.60
2	WITPBX	Sunny Isles	FL	1,320.00	385.00	1,705.00	15,840.00	4,620.00	20,460.00		20,460.00	61,380.00
1	Granite Telecommunications	Quincy	MA			1,734.48	-	-	20,813.76	5,854.00	26,667.76	62,441.28

Note: dash marks represents either the absence of data from the vendor or the cost was wrapped into the services cost.

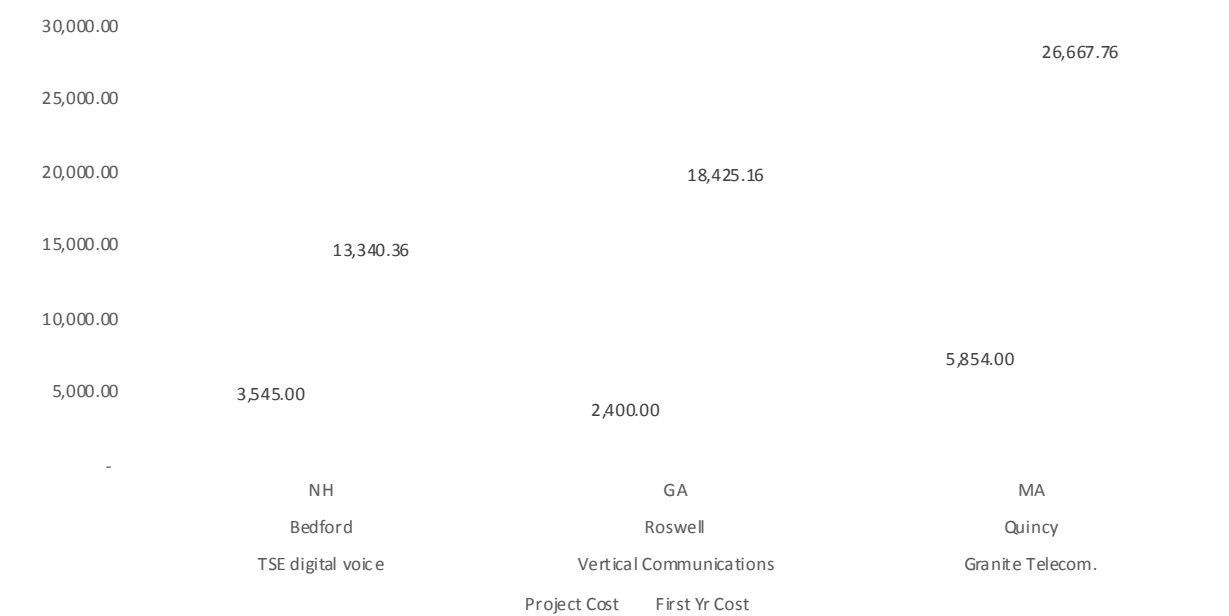
Top 3 Bidders Cost Comparison

	TSE DigitalVoice	Vertical Comm.	Granite Telecom.
Monthly Cost	816.28	1,335.43	1,734.48
diff vs. VC	(519.15)		
diff vs. GT	(918.20)		
Annual Cost	9,795.36	16,025.16	20,813.76
diff vs. VC	(6,229.80)		
diff vs. GT	(11,018.40)		
Project Cost	3,545.00	2,400.00	5,854.00
diff vs. VC	1,145.00		
diff vs. GT	(2,309.00)		
First Year Cost	13,340.36	18,425.16	26,667.76
diff vs. VC	(5,084.80)		
diff vs. GT	(13,327.40)		
36 Month Cost	29,386.08	48,075.48	62,441.28
diff vs. VC	(18,689.40)		
diff vs. GT	(33,055.20)		

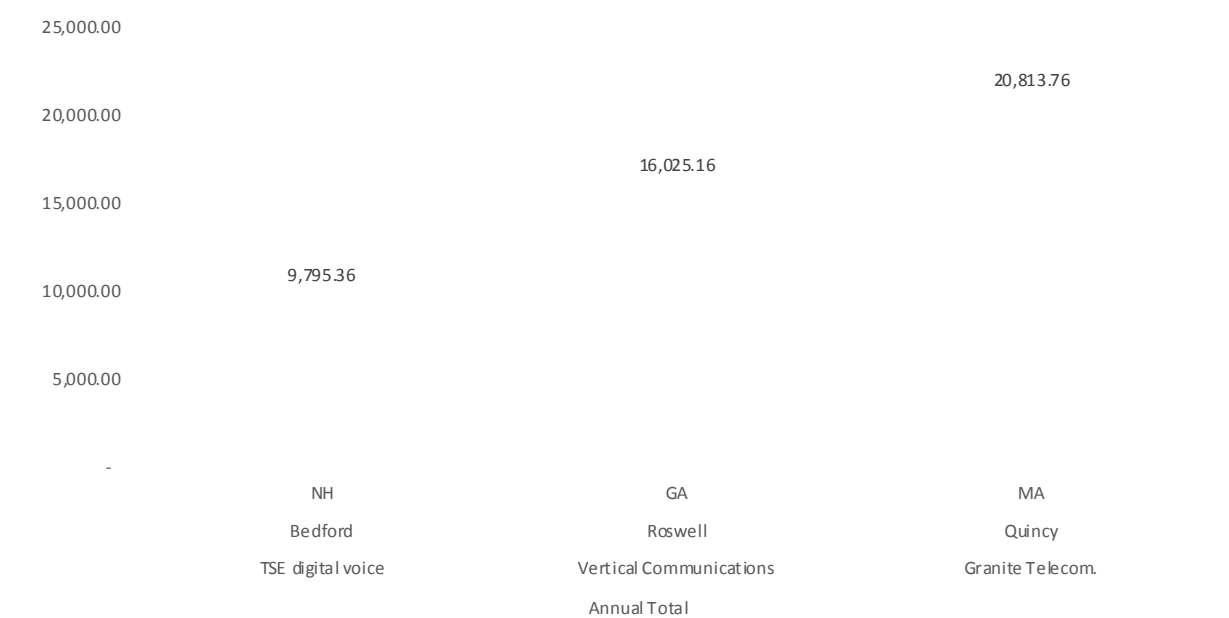
Top Three Bidders Cost Comparison

Vendor Name	City	State	Mthly Total	Annual Total	Project Cost	First Yr Cost	36 Mth Cost
TSE digital voice	Bedford	NH	816.28	9,795.36	3,545.00	13,340.36	29,386.08
Vertical Communications	Roswell	GA	1,335.43	16,025.16	2,400.00	18,425.16	48,075.48
Granite Telecom.	Quincy	MA	1,734.48	20,813.76	5,854.00	26,667.76	62,441.28

Project Cost Comparison

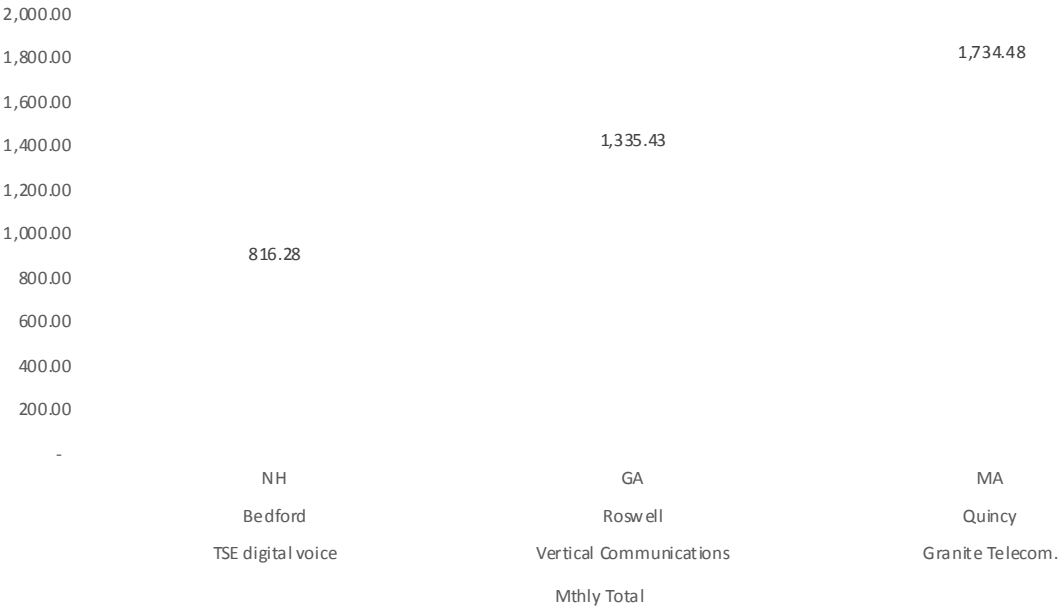


Annual Cost Comparison

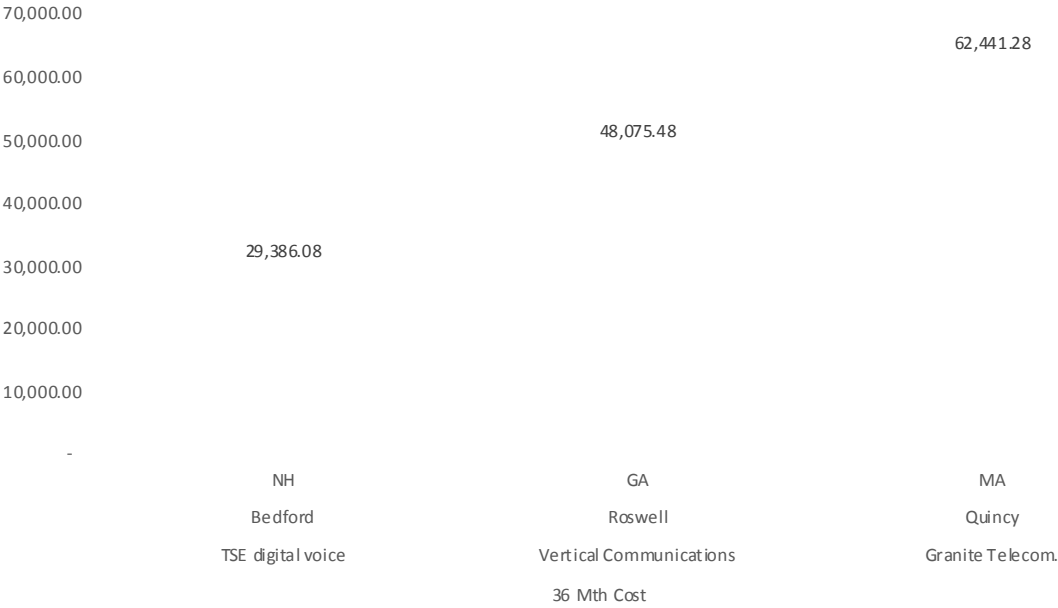


Vendor Name	City	State	Mthly Total	Annual Total	Project Cost	First Yr Cost	36 Mth Cost
TSE digital voice	Bedford	NH	816.28	9,795.36	3,545.00	13,340.36	29,386.08
Vertical Communications	Roswell	GA	1,335.43	16,025.16	2,400.00	18,425.16	48,075.48
Granite Telecom.	Quincy	MA	1,734.48	20,813.76	5,854.00	26,667.76	62,441.28

Monthly Cost Comparison



36 Month Cost Comparison





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: May5, 2021

TITLE: Resolution #2020/2021-47 - Street Name Approval

PREPARED BY: Diane Hardy, Director of Planning and Community Development

TOWN MANAGER'S COMMENTS - RECOMMENDATION:

BACKGROUND:

This subdivision was approved by the Newmarket Planning Board on December 22, 2020, as a 10 lot Open Space Development with 9 (nine) single family homes and two (2) duplex units for a total of 11 (eleven) units on a twelve acre lot. The project will tie into the Town's water and sewer system. A portion of Hersey Lane, a town-owned Class VI road, will be upgraded to provide access to the new development which has been approved by the Town Council. The Developer, Chinburg Properties) is currently working toward meeting the 15 conditions of approval imposed on the project by the Planning Board and securing all necessary permits from various state agencies, including the NH Department of Environmental Services (DES) and NH Fish and Game Development. Construction of the road will be built to Town standards and will be inspected by the Town's Engineering Consultant, Underwood Engineer, at the developer's expense. There will be a development agreement and performance guarantee to assure the road is being constructed properly. Upon its completion, the Developer will request that the Town accept the road as a Town road, so new residents of the development can receive municipal services.

DISCUSSION:

FISCAL IMPACT:

As with any new development, there are fiscal impacts associated with the long-term cost of road maintenance, including snowplowing and the delivery of municipal services. Some of these costs will be mitigated through the payment of residential impact fees associated with schools and recreation and water and sewer system development charges.

RECOMMENDATION:

It is recommended this resolution be scheduled for a first and second reading on May 5 and May 19, 2021, respectively, the following of which that the Town Council to approve this resolution.

ATTACHMENTS:

Description	Upload Date	Type
Resolution #2020/2021-47 - Street Name Approval	4/28/2021	Cover Memo



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

Resolution #2020/2021 - 47

Naming of Certain Street in Town – 77 Hersey Lane Subdivision

- WHEREAS:** It is under the purview of the Newmarket Town Council to name streets in Town, and
- WHEREAS:** Chinburg Properties of Newmarket, NH has made recommendations for names of public ways in their new developments, and
- WHEREAS:** The Town of Newmarket E 911 Coordinator has signed off on the following name:

NOW, THEREFORE, BE IT RESOLVED BY THE NEWMARKET TOWN COUNCIL THAT:
the following public way in the Town of Newmarket will have the following name.

- **Tanner Circle** (new road off Hersey Lane near Durell Drive located in the 77 Hersey Lane Subdivision at the proposed junction of Class V and Class VI portions of Hersey Lane)

First Reading: May 5, 2021

Second Reading: May 19, 2021

Approval: May 19, 2021

VOTING RECORD			
Date of Vote:	YES	NO	ABSTAIN
Councilor Conley			
Councilor Sanders			
Councilor Blackstone			
Councilor Brabec			
Councilor Kiper			
Vice Chair Dumont			
Chair Weinstein			
Total Votes:			
Resolution: Does Does Not pass.			

Approved: _____
Toni Weinstein, Chair Town Council

A True Copy Attest: _____
Terri Littlefield, Town Clerk



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186 Main Street
Newmarket, NH 03857

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Founded December 15, 1727
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TOWN OF NEWMARKET, NEW HAMPSHIRE

STAFF REPORT

DATE: May5, 2021

TITLE: Resolution #2020/2021- 48 - Fencing for Splash Pad Park and Preschool Playground

PREPARED BY: Aimee Gigandet

TOWN MANAGER'S COMMENTS - RECOMMENDATION:

I recommend passage of the resolution

BACKGROUND:

- 1) Aimee Gigandet, Recreation Director of the Newmarket Recreation Department is now seeking to withdrawal funding from the Recreation Department's Capital Reserve to install a 5' black chain link fence around the perimeter of the Splash Pad Park area newly located at Leo Landroche Field Complex. The fence around the splash pad area will serve several purposes: i.e. added security against potential vandalism, barrier for private party rentals or for potentially charging admission to get in, and/or to separate the summer campers from the public during summer camp hours of operation on Leo Landroche Field should the Splash Pad area be open during summer camp hours.
- 2) Furthermore, Aimee Gigandet, Recreation Director of the Newmarket Recreation Department is also seeking to withdrawal funding from the Recreation Departments Capital Reserve to install a 4' black chain link fence around the Preschool playground located at the Leo Landroche Complex. The 4' fence will allow for a safer and more secured play for participants in the Rec's preschool playgroup and the Summer Camp Kiddie Camp program. Since relocating the preschool swing set to another area in the park along with the installation of the new preschool play structure, the Recreation Department has had to make due with a temporary fencing around the perimeter of the Preschool Playground area in order to keep the young ones in the general area when they are out to play. The temporary fences we have used have either been bright orange construction site fencing which looks awful, and/or leftover scraps of fencing from the ball fields. Both do not stay up well and look unappealing to the public eye. We are positive parents of young ones will appreciate a more permanent, appealing, and durable fencing solution for this area.

DISCUSSION:

According to Rick Malasky (who is currently the acting General Contractor for the restroom / mechanical building aspect of the Splash Pad / Restroom project) we only received one quote when going out to bid for the fencing around the splash pad area. We added the preschool playground fencing to the quote as a fence

around the playground was also a much needed item and we wanted to make sure both fences matched for aesthetic purposes. Capital Reserve paid for the updated preschool playground equipment several years ago, but it was only after the budget was approved for that project that we found out we were not able to relocate the old perimeter fence from the old preschool playground area. Lastly, considering we needed more fencing overall in the general vicinity than we originally anticipated we realized going with a more upscale iron fence for both areas would not be cost effective. This is why the below quote is for a less expensive black vinyl coated chain link fence for both perimeter areas.

RESULTS ON FENCE PROJECT BID PROCESS – ONE QUOTE:

CHASCO, INC located at 15 Banfield Road - Portsmouth, NH 03801
John Iafolla , Sales Representative

Preschool Playground Fence: Furnish & install 220ft. of a 4ft. high black vinyl coated chain link fence with top rail, bottom tension wire, (1) 4ft. wide single swing gate, and (1) 10ft. wide double swing gate. Quoted: 11,900

Splash Pad Fence: Furnish & install 234ft. of a 5ft. high black vinyl coated chain link fence with top rail, bottom tension wire, (4) 4ft. wide single swing gates, and (1) 10ft. wide double swing gate. Quoted: \$16,775

PROJECT TOTAL: **\$28,675**

DISCUSSION ON SPLASH PAD PROJECT:

Based only receiving one quote and the fact that the Town has used Chasco, Inc in the past with great service according to Rick Malasky for project delivery and installation, the Recreation Department is seeking approval from the Town Council to proceed with Chasco, Inc. to supply and install a black chain link fence (see above particulars) in the amount of \$28,675.

FISCAL IMPACT:

The Recreation Capital Reserves current balance: **\$170,167**
proposal from Chasco, Inc. as stated above

REQUESTING: **\$28,675** for one

Total Financial withdrawal request per resolution:

\$28,675

Note: Depending on amount, any delineations from this budget will commence with either a *change order* or will be billed to the 2020/2021 recreation's revolving account.

RECOMMENDATION:

I recommend the Town Council to authorize the Town Manager to approve P.O processing with CHASCO, INC located at 15 BANFIELD ROAD - PORTSMOUTH, NH 03801 utilizing the Newmarket Recreations Capital Reserve fund quoted at \$28,675 for both fences surrounding both the preschool play structure and the new splash pad park area.

ATTACHMENTS:

Description	Upload Date	Type
Resolution 20202021-48	4/28/2021	Cover Memo
Chasco, Inc. Fence Quote	4/28/2021	Cover Memo
Type of Fence - Black Vinyl Chain Link	4/28/2021	Cover Memo



TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council

Resolution #2020/2021-48

Fence installation for Splash Pad Area and Preschool Playground on Leo Landroche Field

WHEREAS, The Recreation Department seeks the Town to authorize proceeding with the installation as quoted by Clasco, Inc. of 15 Banfield, Portsmouth NH in the total amount of **\$28,675** for 2 black vinyl coated chain link fences that will surround the perimeters of both the new Splash Pad park area as well as the preschool playground area both of which are located at Leo Landroche Field.

WHEREAS: The Recreation Dept. is requesting **\$28,675** from their Capital Reserve balance of **\$170,167**

NOW, THEREFORE BE IT RESOLVED that the Newmarket Town Council does hereby approve the withdrawal of funds not to exceed **\$28,675** from Newmarket Recreation Department's Capital Reserve for the purpose of installing a 2 black vinyl coated chain link fences on Leo Landroche Field as stated above and to authorize the Town Manager to execute any contracts, P.O.'s change orders, and agreements associated with this project.

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

First Reading:

Second Reading:

Approval:

VOTING RECORD			
Date of Vote:	YES	NO	ABSTAIN
Councilor Dumont			
Councilor Sanders			
Councilor Blackstone			
Councilor Brabec			
Councilor Kiper			

Vice Chair Burns			
Chair Weinstein			
Total Votes:			
Resolution: Does Does Not pass.			

Approved: _____
Toni Weinstein, Chair Town Council

A True Copy Attest: _____
Terri Littlefield, Town Clerk



Date: April 22, 2021

To: Town of Newmarket
186 Main Street
Newmarket, NH 03857

Attn: Rick Malasky
(603) 765-1106
rmalasky@newmarket.gov

Salesperson	Job	Location	Valid
John Iafolia	Chain Link Fence	Newmarket, NH	30 Days
Item	Description	Unit Price	Line Total
1	<u>Playground Fence:</u> Furnish & install 220ft. of a 4ft. high black vinyl coated chain link fence with top rail, bottom tension wire, (1) 4ft. wide single swing gate, and (1) 10ft. wide double swing gate.	LS	\$11,900.00
2	<u>Splash Pad Fence Fence:</u> Furnish & install 234ft. of a 5ft. high black vinyl coated chain link fence with top rail, bottom tension wire, (4) 4ft. wide single swing gates, and (1) 10ft. wide double swing gate.	LS	<u>\$16,775.00</u>
Total			\$28,675.00

15 BANFIELD ROAD - PORTSMOUTH, NH 03801 - PHONE (603) 436-2141 - jiafolia@CHASCOINC.NET



BUILDING CONTRACTOR RESPONSIBILITIES:

1. COORDINATE WITH TOWN FOR ROUGH SITE WORK AND NEEDS
2. COORDINATE WITH SPLASH PAD VENDOR FOR SIZE OF PIT, ELECTRICAL OUTLET NEEDS, WATER SERVICE NEEDS
3. CONSTRUCT 32"x14" BUILDING WITH OVERHANGS, SCREEN WALLS, ETC

SLASH PAD VENDOR RESPONSIBILITIES:

1. COORDINATE WITH TOWN FOR ROUGH SITE WORK AND NEEDS
2. COORDINATE WITH BUILDING CONTRACTOR FOR DIMENSIONS OF MANHOLE PIT, ELECTRICAL OUTLET NEEDS, WATER SERVICE NEEDS.
3. SUPPLY SPLASH PAD (EXTERIOR) FEATURES FOR PAD AREA, PUMPS, FILTERS, ELECTRICAL CONTROLS, RESERVOIR TANK, CHLORINE CHEM-FEED, ETC. REQUIRED.
4. FURNISH AND INSTALL ALL SPLASH PAD PLUMBING.
5. FURNISH AND INSTALL CONCRETE FOR FLATWORK AND PROPOSED FEATURES AS PROPOSED.
6. START-UP AND TRAINING FOR TOWN OF NEWMARKET STAFF.

TOWN RESPONSIBILITIES:

1. COORDINATE WITH BUILDING CONTRACTOR WORK NEEDS
2. COORDINATE WITH SPLASH PAD VENDOR WORK NEEDS.
3. PERFORM ALL ROUGH SITE WORK FOR P EXCAVATION, STRIPPING OF LOAM, BOXING MATERIALS AND REPLACING PER SPECIFIED SPLASH PAD VENDOR. INSTALLATION OF UNDER BUILDING.
4. INSTALL NEW SEWER SERVICE FROM MAIN FOOTPRINT.
5. INSTALL NEW WATER SERVICE FROM MAIN OUTSIDE OF FOOTPRINT.
6. INSTALL NEW ELECTRICAL CONDUIT FROM BUILDING NEW ELECTRICAL.

BUILDING CONTRACTOR RESPONSIBILITIES:

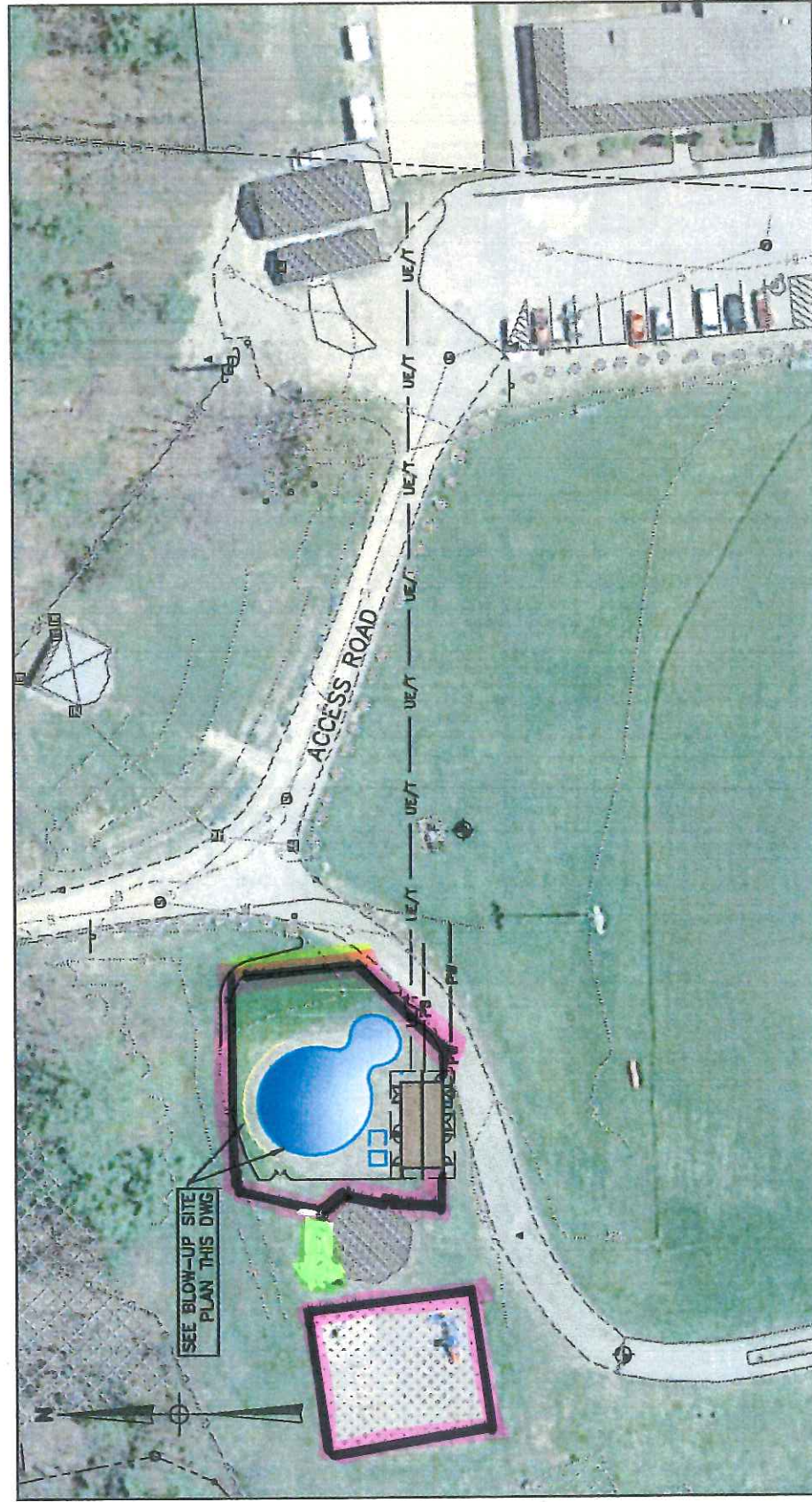
1. COORDINATE WITH TOWN FOR ROUGH SITE WORK AND NEEDS
2. COORDINATE WITH SPLASH PAD VENDOR FOR SIZE OF PIT, ELECTRICAL OUTLET NEEDS, WATER SERVICE NEEDS
3. CONSTRUCT 32'x14' BUILDING WITH OVERHANGS, SCREEN WALLS, ETC

SPLASH PAD VENDOR RESPONSIBILITIES:

1. COORDINATE WITH TOWN FOR ROUGH SITE WORK AND NEEDS
2. COORDINATE WITH BUILDING CONTRACTOR FOR DIMENSIONS OF MANIFOLD PIT, ELECTRICAL OUTLET NEEDS, WATER SERVICE NEEDS.
3. SUPPLY SPLASH PAD (EXTERIOR) FEATURES FOR PAD AREA, PUMPS, FILTERS, ELECTRICAL CONTROLS, RESERVOIR TANK, CHLORINE CHEM-FEED, ETC. REQUIRED.
4. FURNISH AND INSTALL ALL SPLASH PAD PLUMBING.
5. FURNISH AND INSTALL CONCRETE FOR FLATWORK AND PROPOSED FEATURES AS PROPOSED.
6. START-UP AND TRAINING FOR TOWN OF NEWMARKET STAFF.

TOWN RESPONSIBILITIES:

1. COORDINATE WITH BUILDING CONTRACTOR
2. WORK NEEDS
3. COORDINATE WITH SPLASH PAD VENDOR
4. WORK NEEDS.
5. PERFORM ALL ROUGH SITE WORK FOR P EXCAVATION, STRIPPING OF LOAM, BOXING MATERIALS AND REPLACING PER SPECIFIC SPLASH PAD VENDOR. INSTALLATION OF UNDER BUILDING.
6. INSTALL NEW SEWER SERVICE FROM MAIN FOOTPRINT.
7. INSTALL NEW WATER SERVICE FROM MAIN OUTSIDE OF FOOTPRINT.
8. INSTALL NEW ELECTRICAL CONDUIT FROM BUILDING FOOTPRINT.





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Newmarket, NH 03857

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Founded December 15, 1727
Chartered January 1, 1991

TOWN OF NEWMARKET, NEW HAMPSHIRE

STAFF REPORT

DATE: May5, 2021

TITLE: Resolution #2020/2021-49 - Paving Improvements

PREPARED BY: Rick Malasky Director of Public Works

TOWN MANAGER'S COMMENTS - RECOMMENDATION:

I recommend passage of this resolution and request the council to suspend its rules.

BACKGROUND:

Currently the town is under contract with Bell & Flynn LLC until June 30, 2021 for all the towns paving projects with an option for a contract extension if there are no price increases. There will be no price increase in 2021. The town will be extending the current contract for another year.

DISCUSSION:

The following roads are on the road management plan schedule for this year: Gonet Dr, Smith Garrison Rd, Stevens Dr, Cushing Rd, Bay Rd, and Barberry Coast Rd.

FISCAL IMPACT:

The Town budgeted \$160,000 towards this expenditure in the operating budget and an additional \$250,000 was budgeted in the capital reserve to fund the Road Management Plan that has been adopted. The capital reserve will have a balance of \$306,514 on July 1st. The Municipal Transportation Fund will have a balance of \$244,176 as of July 1st.

RECOMMENDATION:

I recommend the Town extend the contract with Bell & Flynn LLC with a dollar amount not to exceed \$535,000 with \$160,000 coming from the operating budget, \$280,000 coming from the capital reserve and \$95,000 coming from the municipal transportation fund.

ATTACHMENTS:

Description	Upload Date	Type
-------------	-------------	------

Resolution #2020/2021-49 - Paving Improvements
Bell & Flynn Quote
Capital Reserve account

4/29/2021
4/29/2021
4/29/2021

Cover Memo
Cover Memo
Cover Memo

CHARTERED JANUARY 1, 1991

FOUNDED DECEMBER 15, 1727



TOWN OF NEWMARKET, NEW HAMPSHIRE
By the Newmarket Town Council

Resolution 2021/2022-49

Paving Improvements

- WHEREAS:** The town has extended the paving contract with Bell & Flynn LLC for another year with no increase; and
- WHEREAS:** The following roads are on the road management plan schedule for this year: Gonet Drive, Smith Garrison Road, Stevens Drive, Cushing Road, Bay Road, and Barberry Coast Road; and
- WHEREAS:** The town budgeted \$160,000 toward this expenditure in the operating budget and an additional \$250,000 was budgeted in the Capital Reserve Fund to fund the Road Management Plan that was adopted. The Capital Reserve Fund had a balance of \$306,514 on July 1st. The Municipal Transportation Fund had a balance of \$244,176 on July 1st.

NOW, THEREFORE, BE IT RESOLVED BY THE NEWMARKET TOWN COUNCIL THAT: The Town Manager enter into any agreements with Bell & Flynn LLC with a dollar amount not to exceed \$535,000 with \$160,000 coming from the operating budget, \$280,000 coming from the Capital Reserve Fund and \$95,000 coming from the Municipal Transportation Fund.

First Reading: May 5, 2021

Second Reading: May 5, 2021

Approval: May 5, 2021

VOTING RECORD			
Date of Vote:	YES	NO	ABSTAIN
Councilor Megan Brabec			
Councilor Helen Sanders			
Vice-chair Zachary Dumont			
Councilor Jon Kiper			
Councilor Scott Blackstone			
Councilor Katanna Conley			
Chair Toni Weinstein			
Total Votes:			
Resolution: Does Does Not pass.			

Approved: _____
Toni Weinstein, Chair Town Council

A True Copy Attest: _____
Terri Littlefield, Town Clerk

BELL & FLYNN LLC

Pavement Reclamation
Engineers & Contractors

Planning · Testing · Design · Engineered/Reconstruction · Construction

Telephone: (603) 778-8511
Fax: (603) 772-4396

69 Bunker Hill Avenue
Stratham, NH 03885

April 28, 2021

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

Dear Mr. Malasky,

Despite continuing cost increases associated with wages/benefits, equipment/maintenance, transportation/energy and regulatory requirements which are customarily reflected in increased unit prices at the commencement of each construction season, Bell & Flynn LLC is pleased to be able at this time to offer to extend the current contract for road reconstruction services under the same terms, conditions and prices upon mutual agreement by the Town of Newmarket.

The Unit Price of Pay Item #2, "2" Hot Bituminous Concrete Binder Course (19 mm – Gonet Dr, Smith Garrison Rd, Stevens Dr, Bay Road) by machine method", per ton, in place, per Project Manual and Specifications shall remain \$70.00 per ton.

The Unit Price of Pay Item #3, "1" Hot Bituminous Concrete Surface Course (12.5 mm – Bay Rd.) by machine method", per ton, in place, per Project Manual and Specifications shall remain \$72.00 per ton.

The Unit Price of Pay Item #4, "1" Hot Bituminous Concrete Surface Course (9.5 mm – Barberry Coast Rd.) by machine method", per ton, in place, per Project Manual and Specification shall remain \$76.00 per ton.

The Unit Price of Bituminous Concrete Pavement shall be subject to adjustment per NHDOT asphalt cement adjustment clause (Item 1010.2) indexed to the June 22, 2020 NHDOT price of asphalt cement. All other terms, conditions and price including:

Pay Item #1 Reclaimed Stabilized Base 8" Depth

Pay Item #5 Install Bituminous Pavement by hand method

Pay Item #6 Cold Plane existing asphalt pavement at limits of work area

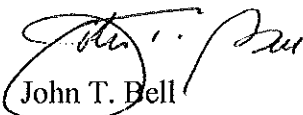
Pay Item #7 Installation of processed gravel shoulder

shall remain unchanged.

In closing, I am sure that you will realize the benefits of this contract extension when you observe that it is indexed to the lowest monthly NHDOT price of asphalt cement (\$487.50) since May 2018. While the fundamental market dynamics of liquid asphalt have remained relatively stable since 2018 inasmuch as the strategic production cuts implemented by the OPEC Cartel and Russia have been and continue to be largely offset by reduced global demand due to external forces, e.g. the Covid-19 pandemic, normal seasonal demand is anticipated to again increase the *future* price of asphalt pavements through the 2021 paving season. Considering these anticipated cost increases, in an attempt to provide stability (at the lowest possible price!) it should again prove beneficial to the Town of Newmarket to extend this current contract for road reconstruction services including paving while also noting that in the event that the price of liquid asphalt should decrease further, the Town of Newmarket would receive a commensurate credit per the applicable NHDOT asphalt cement adjustment clause.

Thanking you in advance for your thoughtful consideration of the letter, I remain,

Sincerely,



John T. Bell
President

BELL & FLYNN, LLC

Pavement Reclamation
Engineers & Contractors

Planning	Testing	Design	Engineered/Reconstruction	Construction
Telephone: (603) 778-8511			69 Bunker Hill Avenue	
Fax: (603) 772-4396			Stratham, NH 03885	

	<u>Reclamation</u>	<u>Binder</u>	<u>Shoulders</u>	<u>Total</u>
Gonet Dr	7,900SY @ \$1.75/SY \$13,825.00	900T @ \$70.00/T \$63,000.00	150CY @ \$30.00/CY \$4,500.00	\$81,325.00
Smith Garrison Rd	10,100SY @ \$1.75/SY \$17,675.00	1,200T @ \$70.00/T \$84,000.00	200CY @ \$30.00/CY \$6,000.00	\$107,675.00
Stevens Dr	5,340SY @ \$1.75/SY \$9,345.00	625T @ \$70.00/T \$43,750.00	100CY @ \$30.00/CY \$3,000.00	\$56,095.00
Cushing Rd. (2020-21)	13,000SY @ \$1.75/SY \$22,750.00	1,700T @ \$70.00/T \$119,000.00	250CY @ 30.00/CY \$7,500.00	\$149,250.00
Bay Rd. (2020-21)	1,400SY @ \$1.75/SY \$2,450.00	200T @ \$70.00/T \$14,000.00	25CY @ \$30.00/CY \$750.00	\$17,200.00
Bay Rd. (2021-22)	5,300SY @ \$1.75/SY \$5,775.00	450 @ 70.00/T \$31,500.00	75CY @ \$30/CY \$2,250	\$ 39,525.00
			Subtotal	\$451,070.00

	<u>Emulsion/Mill</u>	<u>Level/Overlay</u>	<u>Shoulders</u>	<u>Total</u>
Bay Rd	500G @ \$6.00/G 500LF @ \$4.00/LF \$5,000.00	2,200T @ \$72.00/T \$158,400.00	300CY @ \$30.00/CY \$9,000.00	\$172,400.00
			Subtotal	\$172,400.00

	<u>Emulsion/Mill</u>	<u>Overlay</u>	<u>Shoulders</u>	<u>Total</u>
Barberry Coast Rd.	100G @ \$6.00/G 250LF @ \$4.00/LF \$1,600.00	300T @ \$76.00/T \$22,800.00	50CY @ \$30.00/CY \$1,500.00	\$25,900.00
			Subtotal	\$25,900.00
			Total (2020-21)	\$166,450.00
			Total (2021-22)	\$482,920.00

4/1/2021
CS

Trustee Acct#

Town of Newmarket
Capital Reserve
Roadway Improvement
FY 20/21

	Balance 7/1/2020	FY 20/21 Additions	Resolution Number	Withdrawals FY 20/21 Resolutions	Remaining Balance
<u>Roadway Improvement</u>					
Total Projects	64,495.13	250,000.00			314,495.13
Interest			20/21-02	-260,000.00	-260,000.00
	1,727.92	291.28			2,019.20
Total	66,223.05	250,291.28		-260,000.00	56,514.33

4/1/2021
CS

Trustee Acct#108200290888

Town of Newmarket
Capital Reserve
Mun. Trans. Improvement
FY 20/21

	Balance 7/1/2020	FY 20/21 Additions	Resolution Number	Withdrawals FY 20/21 Resolutions	Remaining Balance
<u>Mun. Trans. Improvement</u>	215,818.31	53,445.00			269,263.31
Total Projects			20/21-02	-80,000.00	0.00
Interest	4,621.95	291.12			0.00
Total	220,440.26	53,736.12		-80,000.00	194,176.38



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
Kesseli Letter	4/22/2021	Cover Memo
Johnson letter	4/22/2021	Cover Memo
J Preston Letter	4/22/2021	Cover Memo

Wendy Chase

From: Amrita Kesseli <elisekesseli@gmail.com>
Sent: Monday, April 19, 2021 1:52 PM
To: Steve Fournier; Town Council
Subject: Request for Reduction in Volume at The Stone Church

Dear Mr. Fournier and the Newmarket Town Council,

Thank you for serving our town!

My partner and I have enjoyed living next to The Stone Church until it started hosting the outdoor concerts this past year. The volume levels have been frustratingly loud, which has negatively impacted our rest and productivity.

As musicians ourselves, we are not able to hear each other as we practice our own instruments in the "quiet" of our own home. Since the decibel level of the outdoor shows is 72 in our living room, this interrupts our practice time, and impedes my boyfriend's livelihood.

As appreciators of music, can you imagine not being able to play your guitar in your living room on a Friday or Saturday evening?

Can you imagine not being able listen to music of your own choosing, on a regular basis, while at home?

During each outdoor show, we are not able to listen to music of our own choosing, nor watch TV shows. Can you imagine living in a home where you are not able to watch TV when you feel like it?

The volume from The Stone Church is so overpowering that we cannot do these simple, normal activities. Hearing ourselves play instruments, listening to music, and watching TV - I would think these would be rights to happiness that would be protected, and would not be infringed upon by neighboring businesses.

I appreciate The Stone Church and the cultural and sentimental value that it holds for so many. I would like to see it host quieter, more "intimate" concerts, at either half of the current volume, or unplugged/acoustic. I think this solution would hold it to being a "Good Neighbor" in the neighborhood.

Thank you for considering my request.

Many thanks,
Elise Kesseli
5 Church Street, Apt 2
Newmarket, NH 03857



Wendy Chase

From: Dillon Johnson <dillonjohnson57341@gmail.com>
Sent: Saturday, April 17, 2021 12:54 PM
To: Town Council
Subject: Ston Church Music

As one of the residents of Main st, I'd like to reach out on behalf of the Stone Church. The music coming from the top of the hill is great and I think a benefit to the town. It gives it a reminder of the feeling of people enjoying their lives and I'd like it to continue

Wendy Chase

From: Jamie Preston <jamie@stonechurchrocks.com>
Sent: Friday, April 16, 2021 12:58 PM
To: Steve Fournier; Town Council; Cheryl Hoffman; Mike Hoffman
Subject: Indoor music license

Dear Town Manager Mr. Fournier and The Council,

The Stone Church Music Club is writing to express concern with the concept of requiring a license to have indoor music. While we fully understand the desire to require licensing for outdoor concerts, it is our understanding that the ad hoc Ordinance Review Committee has also discussed the potential to require an annual license to have live music indoors. This seems to be over reactive to the noise complaints during **indoor** musical performances lodged by one local renter. These complaints have been determined to be unfounded by the Newmarket Police on multiple occasions. To be clear, we are only speaking of complaints received during **indoor** performances.

Through good times and bad, our indoor operations have been a part of this community for over 50 years. This last year is nothing we planned for - or want to repeat. The indoor operations have attracted musicians and concert goers from all over the county and beyond. These people eat in local restaurants and stay in local lodging facilities. The list of world class performers brought to the community is astounding, from Bonnie Raitt, Country Joe McDonald and Ritchie Havens to regular appearances of Ramblin' Jack Elliott and Jonathan Edwards.

As the only music venue in the Town, indoor music licensing equates to being a business license for the one business that has likely attracted more people to town than any other business in town. The notion of **licensing** infers the ability to administratively revoke, not approve or make additional requirements of the licensee. While we are very certain that is not the intent of the current governing body, this licensing requirement could pave the way for additional scrutiny and regulations for one business.

Additionally, we were also somewhat disheartened to hear the fee could be waived for non-profit organizations, essentially those entities that do not pay real estate taxes and obtain discounted State licenses. The Stone Church Music Club generates roughly \$85,000 in revenue to State and local governments annually. Our patrons bring roughly \$1,000,000 to the local economy, yet we seem to be at risk of dying a death of a thousand cuts. Our operating expenses have created a non-profit operation, except for the 501(c)(3) status. A road we don't want to go down but might be forced to.

In respect to the Outdoor License, **One** outdoor license with clear detailed expectations for the remainder of this pandemic year should suffice. Most regional and national bookings occur 3-12 months in advance, however, we often only have 48 hours to respond. We need to know the clear parameters well in advance and not have to wait for a license approval multiple times a week.

We ask the Town Council to only regulate to the extent truly necessary. Indoor music licenses are not needed, as the complaints during these events were investigated by police and deemed unfounded. We are located in the M-2 Mixed Use Zone, whose stated purpose is to "protect and enhance the commercial, social, civic and residential functions of the downtown village area. It is recognized that the village is an important place of business and of social interaction." One Annual Outdoor License with clear guidance should suffice unless a clear need to regulate further becomes apparent down the road.

--

Jamie Preston



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