

AGENDA
BOARD OF SELECTMEN
February 4, 2019 AT 6:30 PM
TOWN HALL, PAULSEN MEETING ROOM

- I. CALL TO ORDER
- II. CITIZEN COMMENT
- III. SCHEDULED MEETINGS:
 - a. Pembroke School Board Village School Discussion
 - b. San Ken Homes – Petition to open Flagg Robinson/4th Range Road
- IV. OLD BUSINESS:
 - a. 2016 Tax Deeds
 - b. Town owned land 260-42 Sixth Range Road
 - c. 4 Union Street Wall Bids
 - d. Future street light pole regulations
 - e. Eversource energy costs
- V. NEW BUSINESS:
 - a. Cul De-sacs
 - b. Town owned property Lindy Street
 - c. Manifest/Abatements
 - d. Minutes 1/22/19
- VI. TOWN ADMINISTRATOR REPORT
- VII. COMMITTEE REPORTS
- VIII. OTHER/CITIZEN COMMENT
- IX. NON PUBLIC SESSION
- X. ADJOURN

Rokeh Consulting, LLC

January 4, 2019

Town of Pembroke
Board of Selectmen
311 Pembroke Street
Pembroke, NH 03275

Re: *Robinson Road and Fourth Range Road Improvements*

Dear Members of the Board,

On behalf of San Ken Homes, Inc., we have prepared plans for improvements to Robinson Road and a portion of Fourth Range Road. The purpose of this project is to upgrade the roads from their current class VI status to class V roads in order to provide safe access to the San Ken property and thereby allow them to subdivide their property into single-family residential building lots. Therefore, we are petitioning the Town to lay out Class V roadways over the existing Class VI Roads.

Sincerely,

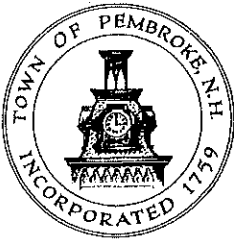


Jon Rokeh, PE

Enc:

Abutters list

Abutter notification fee



TOWN OF PEMBROKE

Town Hall ~ 311 Pembroke Street, Pembroke, New Hampshire 03275 Tel: 603-485-4747

Procedures for Changing a Class VI Road to a Class V Road As Part of a Subdivision or Site Plan Approval

This procedure is intended to provide an applicant for subdivision or site plan approval, the Planning Board, and the Board of Selectmen with a uniform procedure when a request to reclassify a class VI road as class V is presented to the Board of Selectmen and the Planning Board for the purpose of providing access to a proposed development. This procedure is not intended to limit the factors either Board may deem relevant to the review of such a request.

The adoption of this procedure or an applicant's compliance with its requirements does not guarantee the approval of a Planning Board application or the layout of a road by the Board of Selectmen. Similarly, approval of the request by one Board does not obligate the other to approve the request.

The following procedures are to be taken in the chronological order provided:

1. Planning Board

The applicant applies to the Planning Board for "Design Review" for the proposed Site Plan/Subdivision, as provided in RSA 676:4, II (b). The submission requirements for Design Review are outlined in the Subdivision and Site Plan Review Regulations.

After the Design Review meeting with the Planning Board, the Planning Director will provide a memo to the Applicant outlining any concerns, issues, questions, or comments the Planning Board raised at the meeting that should be addressed by the Applicant. The Planning Director will forward a copy of the memo to the Board of Selectmen, Roads Committee, Conservation Commission, Police Department, Fire Department, and Town Engineer for their information.

2. Board of Selectmen

The Applicant petitions the Board of Selectmen to lay out a class V road over the existing class VI road pursuant to RSA 231:8 and RSA 231:28. (If approved, the layout will have the effect of reclassifying the road as class V).

The application must include the following information:

- 1) Names and addresses of landowners, including those owners listed under RSA 231:10 (tenants for life or years, remaindermen, reversioners, and holders of undischarged mortgages of record whose mortgages are dated not earlier than 20 years prior to the date of filing the petition) who abut the section of the class VI road to be upgraded, names and addresses of the owners of property that is accessed by the class VI road and proof of a title search of those properties abutting the portion of Class VI road to be upgraded;
- 2) Fees for abutter notification, newspaper public hearing notification, Town legal review of material, and engineering review of material;¹
- 3) Plans (10 large copies, 30 small copies, and 1 small copy for each abutter) prepared by a licensed engineer, surveyor, and/or wetlands scientist showing:
 - a. Location of the property and abutting properties,
 - b. Location of wetlands, steep slopes, waterbodies, conservation land, and stone walls along and abutting the property and class VI road,
 - c. Layout and design of the road that meets the requirements of §205-41, Appendix B, and Appendix C of the Subdivision Regulations;
- 4) Drainage study and calculations (2 copies) regarding the class VI road;
- 5) Copies of any legal agreements with abutting landowners if additional ROW is required for the design of the road to Town standards, if applicable;
- 6) Explanation of why there is an "occasion" to layout the class V road;
- 7) Other material that is relevant to the proposal; and
- 8) The selectmen may require additional information upon review of the application.

Upon receipt of the application, the Board of Selectmen will send the material to the Fire Department, Police Department, Conservation Commission, Roads Committee, Town Counsel, and the Town Engineer for review and comment. These entities will have 30 days from the date of receipt in which to provide written comment back to the Board of Selectmen of their issues, concerns, and/or comments. Providing this information does not preclude any of the Boards, Commissions, or Departments from further participation before either Board.

Within 60 days of receiving the layout petition, the Board of Selectmen shall hold a public hearing. Notice will be provided to all owners of property abutting or served by the class VI road at least thirty (30) days prior to the public hearing pursuant to RSA 231:10.

As part of the public hearing, a site walk of the proposed layout will be conducted. At the public hearing, the Applicant shall present details of the proposed construction, reconstruction or repairs, and provide information as to the estimated costs unless all such costs are to be borne by the Applicant.

¹ Fee amounts for Board of Selectmen process are based on the adopted Planning Board fees

Within 60 days after the scheduled public hearing the Board of Selectmen shall make a determination as to whether to grant the petition subject to conditions of approval or deny the petition. All approvals shall be subject to the following conditions, in addition to any others imposed by the Board of Selectmen:

- 1) The town shall not incur any costs associated with upgrading the road to class V construction standards.
- 2) The layout shall not become final until:
 - (a) the Director of Public Works or his agent has determined that the road has been designed to the town's class V road construction standards,
 - (b) the subdivision/site plan plat has been signed by the planning board and recorded at the Merrimack County Registry of Deeds, and
 - (c) following a public hearing, the Board of Selectmen determine all conditions of approval have been met.
- 3) The Applicant shall be liable for all attorney's fees, costs and damages for which the Town may become liable to third parties as a result of the layout.

A written copy of the Board of Selectmen's decision will be provided to the applicant and the Planning Board.

3. Planning Board

The Applicant files the application for Site Plan or Subdivision Review with the Planning Board, in accordance with the Planning Board's regulations and schedules. The application must include the Board of Selectmen's decision approving the layout, including the approved layout configuration.

The Planning Board will follow their adopted rules, regulations, and procedures for Site Plan/Subdivision applications and either approve, approve with conditions, or deny the application. Any conditions imposed by the Board of Selectmen as a requirement of the layout shall be included in the Conditions for Planning Board approval.

4. Board of Selectmen

The applicant shall provide the Board of Selectmen with acceptable evidence that the conditions of the Board of Selectmen's approval of the application to layout the class V road have been met. The Board of Selectmen shall hold a public hearing prior to determining whether the conditions have been met.

Within 20 days of determining to grant the application and lay out a class V road over a class VI road, the Board of Selectmen shall file a return of layout with the Town Clerk pursuant to RSA 231:16.

TITLE XX TRANSPORTATION

CHAPTER 231 CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS

Laying Out Highways

Section 231:8

231:8 Petition. – Selectmen of a town, upon petition, may lay out any new class IV highway not financed in whole or in part with federal aid highway funds, and class V or VI highway or alter any such existing highway within their town for which there shall be occasion.

Source. RS 49:1. CS 52:1. GS 61:1. GL 67:1. PS 67:2. 1921, 31:1. PL 74:2. RL 90:2. 1945, 188:1, part 5:1. RSA 234:1. 1967, 157:3. 1981, 87:1, eff. April 20, 1981.

TITLE XX TRANSPORTATION

CHAPTER 231 CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS

Laying Out Highways

Section 231:9

231:9 Notice. – Unless the selectmen are clearly of opinion that such petition ought not to be granted they shall cause notice in writing of the time and place of hearing appointed by them to be given at least 30 days previous to hearing to the first petitioner and to each owner of land over which such highway may pass.

Source. RS 49:2. CS 52:2. GS 61:2. GL 67:2. PS 67:3. PL 74:3. RL 90:4. 1945, 188:1, part 5:2. RSA 234:2. 1981, 87:1. 1989, 28:1, eff. June 3, 1989.

TITLE XX TRANSPORTATION

CHAPTER 231 CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS

Laying Out Highways

Section 231:10

231:10 Owner of Property; Notice. – Owners shall include tenants for life or years, remaindermen, reversioners, or holders of undischarged mortgages of record whose mortgages are dated not earlier than 20 years prior to date of filing such petition.

I. When the owner resides or lives within the state, notice shall be given to him in person or left at his abode or may be sent to him by certified mail.

II. When the owner does not reside or live within the state, notice may be given to the person, if any, who has the care or possession of the land or may be sent by registered mail to the owner's last known address.

III. If the owner is a person under guardianship or conservatorship notice shall be given to his guardian or conservator. If the owner is under any legal disability a guardian or conservator may be appointed.

IV. When the owner, or his residence, is unknown or uncertain, a copy of such notice, when posted in 2 public places in the city or town in which the land is situate, at least 30 days previous to hearing, shall be deemed sufficient notice to such owner.

Source. RS 49:3, 5, 6. RS 52:4. CS 52:3, 5, 6. GS 61:3-6. GL 67:3-6. PS 67:4-7. PL 74:4-7. RL 90:5-8. 1945, 188:1, part 5:3-7. RSA 234:3-7. 1955, 56:3. 1973, 174:1. 1981, 87:1. 1989, 28:2, eff. June 3, 1989.

TITLE XX TRANSPORTATION

CHAPTER 231 CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS

Laying Out Highways

Section 231:11

231:11 Hearing. – At the time and place so appointed the selectmen shall make a personal examination of the several routes proposed, and of the highways for which such new highway is designed to be a substitute, shall hear all parties interested who may attend and any evidence they may offer, and may adjourn as they see cause.

Source. RS 49:7. CS 52:7. GS 61:7. GL 67:7. PS 67:8. PL 74:8. RL 90:9. 1945, 188:1, part 5:8. RSA 234:8. 1981, 87:1, eff. April 20, 1981.

TITLE XX TRANSPORTATION

CHAPTER 231 CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS

Laying Out Highways

Section 231:12

231:12 Layout. – They may lay out such highway over any ground they may deem most suitable, and alter any highway as they judge proper, without regard to intermediate limits or particular monuments described in the petition.

Source. RS 49:8. CS 52:8. GS 61:8. GL 67:8. PS 67:9. PL 74:9. RL 90:10. 1945, 188:1, part 5:9. RSA 234:9. 1981, 87:1, eff. April 20, 1981.

TITLE XX TRANSPORTATION

CHAPTER 231 CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS

Laying Out Highways

Section 231:15

231:15 Assessment of Damages. – The selectmen shall assess the damages sustained by each owner of land or other property taken for such highway.

Source. RS 40:13. CS 52:16. GS 61:15. GL 67:19. PS 67:18. PL 74:18. RL 90:19. 1945, 188:1, part 5:12. RSA 234:12. 1981, 87:1, eff. April 20, 1981.

TITLE XX TRANSPORTATION

CHAPTER 231 CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS

Laying Out Highways

Section 231:16

231:16 Return. – They shall make a return of the highway or any alteration by them laid out, describing the same and the width thereof, and cause the same to be recorded by the town clerk.

Source. RS 49:12. CS 52:15. GS 61:14. GL 67:18. PS 67:17. PL 74:17. 1937, 97:1. RL 90:18. 1945, 188:1, part 5:13. RSA 234:13. 1971, 526:5. 1981, 87:1, eff. April 20, 1981.

TITLE XX TRANSPORTATION

CHAPTER 231 CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS

Laying Out Highways

Section 231:28

231:28 Conditional Layout for Existing Private Rights-of-Way or Class VI Highways. –

Whenever, pursuant to the provisions of this chapter, the selectmen receive a petition to lay out roads over existing private rights-of-way or to lay out a class V highway over an existing class VI highway and such private right-of-way or class VI highway does not conform to construction standards and requirements currently in effect in the town, the selectmen may conditionally lay out roads upon compliance with betterment assessments as provided in this section and in RSA 231:29-33. Prior to commencement of conditional layout, however, a public hearing shall be held, written notice of which shall be given by the appropriate governing board to all owners of property abutting or served by the private right-of-way or class VI highway, at least 14 days before the hearing, at which hearing details of the proposed construction, reconstruction or repairs, and the estimated costs thereof shall be presented by the selectmen. Conditional layout proceedings may commence 10 days following the public hearing unless within that period a petition not to conditionally lay out said thoroughfare signed by a majority of the owners of property abutting or served by the existing private right-of-way or class VI highway is received by the selectmen. If a highway is so laid out, the selectmen may construct, reconstruct, repair or cause to be constructed, reconstructed or repaired such highways, streets, roads, or traveled ways to conform in every way with the highway or street construction standards and regulations previously established by the town. The betterment assessments shall be assessed under the provisions of RSA 231:29.

Source. RSA 234:23-a. 1979, 166:1. 1981, 87:1. 1989, 134:1, eff. July 16, 1989.

TITLE XX TRANSPORTATION

CHAPTER 231 CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS

Laying Out Highways

Section 231:29

231:29 Betterment Assessments Against Abutters and Those Served. – The cost of constructing, reconstructing or repairing such highways, streets, roads or traveled ways shall be assessed by the selectmen against the owners of property abutting or served by such facilities in an amount not exceeding the entire cost of constructing, reconstructing or repairing the same, and the amount so assessed upon each such owner shall be reasonable and proportional to the benefits accruing to the land served. Said assessments may be payable in one year or payment may be prorated over a period not to exceed 10 years, in the discretion of the appropriate governing board. All such assessments thus made shall be valid and binding upon the owners of land so abutting or served by these betterments.

Source. RSA 234:23-b. 1979, 166:1. 1981, 87:1, eff. April 20, 1981.

TITLE XX TRANSPORTATION

CHAPTER 231 CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS

Laying Out Highways

Section 231:30

231:30 Liens for Assessments. – All assessments made under the provisions of RSA 231:29 shall create a lien upon the lands on account of which they are made, which shall continue following the assessment until fully discharged in accordance with the terms set by each governing board or in compliance with any court judgment. Such assessments shall be subject to interest and such other charges as are applicable to the collection of delinquent taxes.

Source. RSA 234:23-c. 1979, 166:1. 1981, 87:1. 2001, 158:34, eff. July 5, 2001.

TITLE XX TRANSPORTATION

CHAPTER 231 CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS

Laying Out Highways

Section 231:31

231:31 Collection of Assessments. – Betterment assessments authorized under RSA 231:29 shall be committed to the collector of tax with a warrant under the hands and seal of the appropriate governing board requiring him to collect them; and he shall have the same rights, authority and remedies and be subject to the same liabilities in relation thereto as in the collection of taxes.

Source. RSA 234:23-d. 1979, 166:1. 1981, 87:1, eff. April 20, 1981.

TITLE XX TRANSPORTATION

CHAPTER 231 CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS

Appeals and Layout by Superior Court

Section 231:38

231:38 Petition for Layout. – Petitions for laying out or altering class IV, V or VI highways may be filed in the office of the clerk of the superior court in the following cases:

- I. When selectmen have neglected or refused to lay out or alter the highway;
- II. When having been laid out by the selectmen, it is discontinued by the town within 2 years thereafter.

Source. RS 50:1. CS 53:1. GS 63:1. GL 67:22; 69:1. PS 68:1. PL 75:1. RL 91:1. 1945, 188:1, part 5:28. RSA 234:28. 1981, 87:1. 1982, 41:15, eff. May 28, 1982.

TITLE LXIV PLANNING AND ZONING

CHAPTER 676 ADMINISTRATIVE AND ENFORCEMENT PROCEDURES

Planning Board

Section 676:4

676:4 Board's Procedures on Plats. –

I. The procedures to be followed by the planning board when considering or acting upon a plat or application submitted to it for approval under this title shall be as set forth in the board's subdivision regulations, subject to the following requirements:

(a) An application for approval filed with the planning board under this title, other than an application for subdivision approval, shall be subject to the minimum requirements set forth in this section and shall be governed by the procedures set forth in the subdivision regulations, unless the planning board by regulation specifies other procedures for that type of application.

(b) The planning board shall specify by regulation what constitutes a completed application sufficient to invoke jurisdiction to obtain approval. A completed application means that sufficient information is included or submitted to allow the board to proceed with consideration and to make an informed decision. A completed application sufficient to invoke jurisdiction of the board shall be submitted to and accepted by the board only at a public meeting of the board, with notice as provided in subparagraph (d). An application shall not be considered incomplete solely because it is dependent upon the submission of an application to or the issuance of permits or approvals from other state or federal governmental bodies; however, the planning board may condition approval upon the receipt of such permits or approvals in accordance with subparagraph (i). The applicant shall file the application with the board or its agent at least 21 days prior to the meeting at which the application will be accepted. The application shall include the names and addresses of the applicant, all holders of conservation, preservation, or agricultural preservation restrictions as defined in RSA 477:45, and all abutters as indicated in the town records for incorporated towns or county records for unincorporated towns or unorganized places not more than 5 days before the day of filing. Abutters shall also be identified on any plat submitted to the board. The application shall also include the name and business address of every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the board.

(c)(1) The board shall, at the next regular meeting or within 30 days following the delivery of the application, for which notice can be given in accordance with the requirements of subparagraph (b), determine if a submitted application is complete according to the board's regulation and shall vote upon its acceptance. Upon determination by the board that a submitted application is incomplete according to the board's regulations, the board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete. Upon determination by the board that a submitted application is complete according to the board's regulations, the board shall begin formal consideration and shall act to approve, conditionally approve as provided in subparagraph (i), or disapprove within 65 days, subject to extension or waiver as provided in subparagraph (f). Upon

failure of the board to approve, conditionally approve, or disapprove the application, the selectmen or city council shall, upon request of the applicant, immediately issue an order directing the board to act on the application within 30 days. If the planning board does not act on the application within that 30-day time period, then within 40 days of the issuance of the order, the selectmen or city council shall certify on the applicant's application that the plat is approved pursuant to this paragraph, unless within those 40 days the selectmen or city council has identified in writing some specific subdivision regulation or zoning or other ordinance provision with which the application does not comply. Such a certification, citing this paragraph, shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

(2) Failure of the selectmen or city council to issue an order to the planning board under subparagraph (1), or to certify approval of the plat upon the planning board's failure to comply with the order, shall constitute grounds for the superior court, upon petition of the applicant, to issue an order approving the application if the court determines that the proposal complies with existing subdivision regulations and zoning or other ordinances. If the court determines that the failure of the selectmen or the city council to act was not justified, the court may order the municipality to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.

(d)(1) Notice to the applicant, holders of conservation, preservation, or agricultural preservation restrictions, abutters, and the public shall be given as follows: The planning board shall notify the abutters, the applicant, holders of conservation, preservation, or agricultural preservation restrictions, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the board by verified mail, as defined in RSA 451-C:1, VII, of the date upon which the application will be formally submitted to the board. Notice shall be mailed at least 10 days prior to submission. Notice to the general public shall also be given at the same time by posting or publication as required by the subdivision regulations. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the proposal. For any public hearing on the application, the same notice as required for notice of submission of the application shall be given. If notice of public hearing has been included in the notice of submission or any prior notice, additional notice of that hearing is not required nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time, and place of the adjourned session was made known at the prior hearing. All costs of notice, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the planning board to terminate further consideration and to disapprove the plat without a public hearing.

(2) For those proposals in which any structure or proposed building site will be within 500 feet of the top of the bank of any lake, pond, river, or stream, the planning board shall also notify the department of environmental services by first class mail at the same time that notice is provided to abutters, cost to be paid in advance by the applicant consistent with subparagraph (d)(1). The sole purpose of notification to the department shall be to provide information to the department for dam hazard classification. This requirement shall not confer upon the department the status of an abutter. Failure by the municipality to notify the department shall not be considered a defect of notice.

(e) Except as provided in this section, no application may be denied or approved without a public hearing on the application. At the hearing, any applicant, abutter, holder of conservation, preservation, or agricultural preservation restriction, or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the subdivision regulations or the board at each hearing. Public hearings shall not be required, unless specified by the subdivision regulations, when the board is considering or acting upon:

(1) Minor lot line adjustments or boundary agreements which do not create buildable lots, except that notice to abutters and holders of conservation, preservation, or agricultural preservation restrictions shall be given prior to approval of the application in accordance with subparagraph (d) and any

abutter or holder of conservation, preservation, or agricultural preservation restrictions may be heard on the application upon request; or

(2) Disapprovals of applications based upon failure of the applicant to supply information required by the regulations, including identification of abutters or holders of conservation, preservation, or agricultural preservation restrictions; or failure to meet reasonable deadlines established by the board; or failure to pay costs of notice or other fees required by the board.

(f) The planning board may apply to the selectmen or city council for an extension not to exceed an additional 90 days before acting to approve or disapprove an application. The applicant may waive the requirement for planning board action within the time periods specified in subparagraph (c) and consent to such extension as may be mutually agreeable.

(g) Reasonable fees in addition to fees for notice under subparagraph (d) may be imposed by the board to cover its administrative expenses and costs of special investigative studies, review of documents and other matters which may be required by particular applications.

(h) In case of disapproval of any application submitted to the planning board, the ground for such disapproval shall be adequately stated upon the records of the planning board.

(i) A planning board may grant conditional approval of a plat or application, which approval shall become final without further public hearing, upon certification to the board by its designee or based upon evidence submitted by the applicant of satisfactory compliance with the conditions imposed. Such conditions may include a statement notifying the applicant that an approval is conditioned upon the receipt of state or federal permits relating to a project, however, a planning board may not refuse to process an application solely for lack of said permits. Final approval of a plat or application may occur in the foregoing manner only when the conditions are:

(1) Minor plan changes whether or not imposed by the board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or

(2) Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the board; or

(3) Conditions with regard to the applicant's possession of permits and approvals granted by other boards or agencies or approvals granted by other boards or agencies, including state and federal permits.

All conditions not specified within this subparagraph as minor, administrative, or relating to issuance of other approvals shall require a hearing, and notice as provided in subparagraph I(d), except that additional notice shall not be required of an adjourned session of a hearing with proper notice if the date, time, and place of the adjourned session were made known at the prior hearing.

II. A planning board may provide for preliminary review of applications and plats by specific regulations subject to the following:

(a) Preliminary conceptual consultation phase. The regulations shall define the limits of preliminary conceptual consultation which shall be directed at review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the applicant or the board and statements made by planning board members shall not be the basis for disqualifying said members or invalidating any action taken. The board and the applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the master plan. Such discussion may occur without the necessity of giving formal public notice as required under subparagraph I(d), but such discussions may occur only at formal meetings of the board.

(b) Design review phase. The board or its designee may engage in nonbinding discussions with the applicant beyond conceptual and general discussions which involve more specific design and engineering details; provided, however, that the design review phase may proceed only after identification of and notice to abutters, holders of conservation, preservation, or agricultural preservation restrictions, and the general public as required by subparagraph I(d). The board may

establish reasonable rules of procedure relating to the design review process, including submission requirements. At a public meeting, the board may determine that the design review process of an application has ended and shall inform the applicant in writing within 10 days of such determination. Statements made by planning board members shall not be the basis for disqualifying said members or invalidating any action taken.

(c) Preliminary review shall be separate and apart from formal consideration under paragraph I, and the time limits for acting under subparagraph I(c) shall not apply until formal application is submitted under subparagraph I(b).

III. A planning board may, by adopting regulations, provide for an expedited review and approval for proposals involving minor subdivisions which create not more than 3 lots for building development purposes or for proposals which do not involve creation of lots for building development purposes. Such expedited review may allow submission and approval at one or more board meetings, but no application may be approved without the full notice to the abutters, holders of conservation, preservation, or agricultural preservation restrictions, and public required under subparagraph I(d). A hearing, with notice as provided in subparagraph I(d), shall be held if requested by the applicant, abutters, or holders of conservation, preservation, or agricultural preservation restrictions any time prior to approval or disapproval or if the planning board determines to hold a hearing.

IV. Jurisdiction of the courts to review procedural aspects of planning board decisions and actions shall be limited to consideration of compliance with applicable provisions of the constitution, statutes and regulations. The procedural requirements specified in this section are intended to provide fair and reasonable treatment for all parties and persons. The planning board's procedures shall not be subjected to strict scrutiny for technical compliance. Procedural defects shall result in the reversal of a planning board's actions by judicial action only when such defects create serious impairment of opportunity for notice and participation.

Source. 1983, 447:1. 1985, 159:1. 1986, 57:1, 2; 229:1, 2. 1989, 266:30. 1990, 275:1. 1995, 117:1, 2. 1997, 142:1-4; 249:1. 1998, 274:1. 2004, 71:6. 2005, 33:3, 4. 2008, 229:2. 2009, 31:2, 3. 2010, 39:1, 2. 2011, 164:1, 2. 2013, 270:2, eff. Sept. 22, 2013. 2016, 81:1, eff. July 18, 2016. 2017, 59:3, eff. Aug. 1, 2017.

<u>NAME</u>	<u>PROPERTY ADDRESS</u>	<u>MAILING ADDRESS</u>	<u>AMOUNT DUE THROUGH 5/9/2019</u>	<u>MAP/LOT</u>
<u>Tax Deed date is May 9, 2019</u>				
Shari Baranski	235-10 Dearborn Road Pembroke NH 03275	235-10 Dearborn Road Pembroke NH 03275	299.30	266-76-110
Eric Baron	221 Friendship Ave Pembroke, NH 03275	221 Friendship Ave Pembroke, NH 03275	774.12	870-32-U10
Linda Beaudoin	190 Main Street Pembroke, NH 03275	190 Main Street Pembroke, NH 03275	2,984.28	VE-67
William Boutillier	1235-4 Dearborn Road Pembroke, NH 03275	1235-4 Dearborn Road Pembroke, NH 03275	649.41	266-76-104
Debra Carter	5 Kimball Street Pembroke, NH 03275	19 Level Street Merrimack, NH 03054	1,638.18	VE-147
George and Jillian Charlton*****	465 Sixth Range Road Pembroke NH 03275	465 Sixth Range Road Pembroke NH 03275	130.79	260-6
George and Jillian Charlton*****	465 Sixth Range Road Pembroke NH 03275	465 Sixth Range Road Pembroke NH 03275	8,496.54	260-6
George and Jillian Charlton*****	465 Sixth Range Road Pembroke NH 03275	465 Sixth Range Road Pembroke NH 03275	7,489.95	260-6
Burton and Fernande Curley	761 Robinson Road Pembroke, NH 03275	755 Robinson Road Pembroke, NH 03275	399.23	256-3-3
Christopher Drouin	457 Carrie Ave Pembroke, NH 03275	455 Carrie Ave Pembroke, NH 03275	1630.99	563-79
Raylene Halen Cable	663-4 Thompson Road Pembroke NH 03275	663-4 Thompson Road Pembroke NH 03275	715.91	870-26-A-4

Todd Heger	2-4 Prospect Street Pembroke, NH 03275	225A Belknap Drive Pembroke, NH 03275	9894.14	VW-97
Nicholas Julian	235-3 Dearborn Road Pembroke NH 03275	235-3 Dearborn Road Pembroke NH 03275	710.77	266-76-103
John and Judith Mader	24 Kimball Street Pembroke, NH 03275	24 Kimball Street Pembroke, NH 03275	7058.11	VE-111
Louis Marcoux	6 Howard Street Pembroke, NH 03275	17 Oaks Drive Bedford, NH 03110-6031	2,490.52	VE-34
Bruce and Katherine Mcalister	41 Donna Drive Pembroke, NH 03275	41 Donna Drive Pembroke, NH 03275	2884.95	565-81-8
Owners Unknown *	Pembroke Street	311 Pembroke Street Pembroke, NH 03275	274.33	266-27-2
Owners Unknown *	Main Street Pembroke, NH 03275	311 Pembroke Street Pembroke, NH 03275	136.44	VW-114-1
Owners Unknown *	Broadway Pembroke, NH 03275	311 Pembroke Street Pembroke, NH 03275	209.91	VE-15-1
David and Suzanne Paul	243 Pembroke Hill Road Pembroke, NH 03275	243 Pembroke Hill Road Pembroke, NH 03275	7,526.18	565-196
Kemberley Pelkey	212 Buck Street Pembroke, NH 03275	203 Loudon Road #823 Concord, NH 03301	464.58	266-129
Heather Shepley Trustee Leonard D Shepley Living Trust	807 Route 28 Pembroke, NH 03275	18297 E Baker Place Aurora, CO 80013	9,264.53	868-16
Ronald and Ralph Stweart	132 Tina Drive Pembroke, NH 03275	132 Tina Drive Pembroke, NH 03275	3,077.04	266-85-27

THC Realty Trust *	Main Street	PO Box 10545		
Elliot Konner Trustee	Pembroke, NH 03275	Bedford, NH 03110-0545	2,023.26	VE-179-2
Lance Tremblay	307-2 Dearborn Road	34 Dover Street		
	Pembroke, NH 03275	Manchester, NH 03102	2,935.28	266-73
Webster Falls Inc *	Mills Fall Off	116 So River Road Bldg A		
	Pembroke, NH 03275	Bedford, NH 03110	225.90	VE-179-1

***** Bankruptcy was just terminated

* Deed issues or contaminated land

1/31/2019

To: Pembroke Board of Selectmen
From: Pembroke Conservation Commission
Carol Bertsimas, Vice chair
Re: Lot #260-42 on Sixth Range Road
Date: January 14, 2019

Dear Board of Selectmen,

The Conservation Commission would like to express its continued interest in obtaining and preserving lot #260-42 on Sixth Range Road which the Town has obtained by Tax Collector's deed. This 5.6 acre lot abuts lot #260-41, aka the Doherty lot, which was donated to the Town in 2012 and is now held in conservation.

Both lots are located on an undeveloped portion of Sixth Range Road and support a variety of wildlife and plant species with easy access to the public.

The Commission had signed a purchase and sales agreement back on October 22, 2015. No action was taken by the board at that time.

Since then, Town meeting article #9 was adopted in March 2018 which requires the BOS to "request a recommendation from the Conservation Commission whether the property should be presented to Town Meeting for consideration that it be retained for conservation purposes".

The Commission would like to proceed with the process for obtaining this lot for conservation. Please let us know what further actions are required from us.

Thank you for your time and attention to our request.



Carol Bertsimas, Vice Chair PCC

4 & 6 UNION ST

<u>Contractor</u>	<u>Parking Lot</u>	<u>Wall</u>	<u>Total</u>
Greene & Russell	\$ 176,000.00	\$ 189,000	\$ 365,000
Jeremy Hiltz	\$ 137,320.00	\$ 174,210	\$ 311,530
Advanced Ex.	\$ 107,220.00	\$ 177,800	\$ 285,020.00

David Jodoin

From: Ann Bond <anbond007@me.com>
Sent: Sunday, January 20, 2019 4:24 PM
To: David Jodoin
Subject: Planning question to Selectmen LIGHT STANDARD LED Fixture

Hello,

The planning board wanted to know if the Selectmen will adopt a standard street light. That way Planning board can add that requirement to all applicants (along with street lights will be only added to intersections)

Something like this:

STREET LIGHT(S). Streetlight(s) shall be provided as required by the Planning Board and approved by the Selectmen. Newly created intersections may require that a street light(s) be installed for the purpose of public safety.

This is all I can find on Eversource web page on street lights:

X. Street lighting

Conventional street lighting shall be installed in accordance with WMECO design specifications and located where indicated on construction plans. Contact a Company representative for Premium Decorative or other street lighting options.

I can't find the size of the street light poles.

Ann

Begin forwarded message:

From: Ann Bond <anbond007@me.com>
Subject: LIGHT STANDARD LED Fixture
Date: January 12, 2019 at 4:27:44 PM EST
To: anbond007@me.com

Ann Bond

Begin forwarded message:

From: Ron Gadouas <rong@lightec.net>
Date: January 12, 2019 at 4:23:04 PM EST
To: 'Ann Bond' <anbond007@me.com>
Subject: RE: LED Fixture
Reply-To: rong@lightec.net

Hi Ann,

The ATSB-F (47 Watt, 3000K color temperature) LED Roadway Fixture with Electronic Locking Type Photo control what we used on Pembroke Street.
Let me know if you have any questions.

Thanks,
Ron Gadouas
Sales Representative

LighTec, Inc.

An Energy Services Company

NOTE NEW MAILING ADDRESS

PO Box 2083

Merrimack, NH 03054

rong@lightec.net

C: 603-377-6686

O:603-424-2165 X12

This electronic message contains information from LighTec, Inc that may be confidential, proprietary or otherwise protected from disclosure. The information is intended to be used solely by the recipient(s) named. Any disclosure, copying or distribution of this message or the taking of any action based on its contents, other than by the intended recipient for its intended purpose, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately and delete it from your system.

1st NEXTURA 10979
ENGINE 107722 24RS.

David Jodoin

From: Samaras, George J <george.samaras@eversource.com>
Sent: Tuesday, January 08, 2019 2:39 PM
To: David Jodoin
Subject: New Energy Service Charge Beginning February 1st, 2019

Hi Dave,

Please review the information below regarding changes to the Energy Service Charge for Large Power Customers that do not use a 3rd party supplier:

Recently, the New Hampshire Public Utilities Commission approved the formal request to adjust the Energy Service Charge portion of the Eversource rate.

The new Energy Service Charge will take effect February 1 through July 31, 2019.

***Important Note** – Customers who purchase energy from an independent supplier will not experience this rate change.

Eversource February 1st Energy Service Charge

Energy Service Charge Filing – A formal request was made on December 13 to the NH Public Utilities Commission to adjust the Energy Service Charge portion of the Eversource rate.

Why is the Energy Service Charge Being Adjusted? – Wholesale energy prices in New England rise in the winter months due to the region's growing reliance on natural gas as a source to both generate electricity and heat homes and businesses. When more the demand for natural gas rises in the winter the price increases.

Proposed Energy Service Rate for Large Power Customers – The Energy Service Charge for Large Power Customers is a fixed rate that varies from month to month from February to August.

Month	Cents per kWh for Large Power Customers
January	12.32 (approved by the NH PUC in July 2018)
February	16.75
March	13.87
April	11.75
May	11.22
June	9.64
July	10.11

Supplier Options - Customers in New Hampshire have the right to choose to purchase energy from an independent supplier instead of their regulated utility. Eversource provides energy to those customers who have not chosen a supplier or who have been denied service by a supplier. A list of registered energy suppliers is available at <http://www.puc.state.nh.us/consumer/energysuppliers.htm>.

David Jodoin

From: Dwayne Gilman <chiefdgilman@pembroke-nh.com>
Sent: Wednesday, December 05, 2018 1:52 PM
To: Dave Jodoin
Subject: CULDESACS

We have 12 cul-de-sacs in town that have an island in the middle . I am verifying there are no signs already.. Other cul-de-sacs don't have an island so I can see a sign in the middle of the road saying keep right.

***Chief Dwayne Gilman
Pembroke Police Department
247 Pembroke Street
Pembroke New Hampshire
03275***

(603)-485-9173 ext 2204



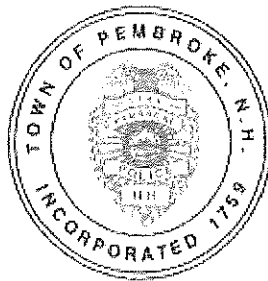
David Jodoin

From: Dwayne Gilman <chiefdgilman@pembroke-nh.com>
Sent: Tuesday, December 11, 2018 12:33 PM
To: Dave Jodoin
Subject: Status of streets

CUL-DE-SAC	NOTES
ROSEDALE	No sign or lights in Circle
WELLINGTON	No sign or Lights in circle
REBECCA WAY	No sign or Lights in Circle
ASHLEY DRIVE	No sign or Lights in Circle
JACKS DRIVE	No sign or Lights in Circle
BELFRY COURT	No sign or Lights in Circle
WEST VIEW TER.	NO ISLAND No sign or Lights in Circle
BRITTANY CIRCLE	Both Light and Sign Present
MASON AVE	Both Light and Sign Present
ELEY LANE	No Sign or Light/ No Island
WOODLAWN RIDGE ROAD	No Sign or Light
PEASLEE	2-WAY TRAFFIC
SHERWOOD MEADOWS	2-WAY TRAFFIC
FAIRWAY DRIVE	No Sign/ Street light is present
ALEXANDER DRIVE	No Sign/ Street light is Present
RIVERVIEW WAY	Sign and Light Present

***Chief Dwayne Gilman
Pembroke Police Department
247 Pembroke Street
Pembroke New Hampshire
03275***

(603)-485-9173 ext 2204



SUGGESTED LOCATION AND VERBIAGE OF ONE WAY TRAVEL ON CUL-DE-SACS

§ 191-7.2 One-way streets [Added 11-18-1996 by Ordinance No. 96-23] A. The streets or parts of streets described in Schedule VI (§ 191-20), attached to and made a part of this chapter, are hereby designated as one-way streets in the direction indicated, and it shall be unlawful for any person to drive a vehicle on any one-way street other than in the direction established for traffic on that street.

A Vehicle Passing around a Rotary Traffic Island or Cul-de-sac Island shall be driven to the right of such Island.

B. Violation of this section shall result in a fine not to exceed \$500. (1st offense 50.00. 2nd 100.00. 3rd offense Must Appear Court Summons)

ARTICLE III Parking/Standing Regulations Parking/Standing Regulations [Amended 11-19-1991; 5-1-1998 by Ordinance No. 98-2; 1-8-2001 by Ordinance No. 01-1; Amended BOS Public Hearing 5/7/2012]

FYI

265:23

**** State Law penalties is 100.00 Fine ..**

**** REMINDER THAT TOWN CODES AND ORDINANCES FOR MOTOR VEHICLE INFRACTIONS DO NOT GO ON THE MOTOR VEHICLE RECORD OF THE OPERATOR.**

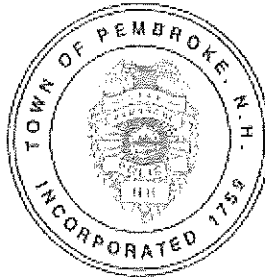
David Jodoin

From: Dwayne Gilman <chiefdgilman@pembroke-nh.com>
Sent: Friday, November 09, 2018 3:45 PM
To: 'David Jodoin'
Subject: RE: cul de sacs

Sure,. Makes sense. It's reassuring the obvious but I'm fine with it.

**Chief Dwayne Gilman
Pembroke Police Department
247 Pembroke Street
Pembroke New Hampshire
03275**

(603)-485-9173 ext 2204



From: David Jodoin [mailto:djodoin@pembroke-nh.com]
Sent: Thursday, November 8, 2018 9:13 AM
To: Dwayne Gilman <Chiefdgilman@pembroke-nh.com>
Subject: cul de sacs

Good Morning,

So Mike Hebert on Brittany Circle wants to make that official on the Town records for the proper way to enter and drive. We discussed the others that are also needed. I need to bring this to the Board on the 19th and they will ask what the PD's thoughts are. I know that it's not a priority for patrol but if it was posted legally, and someone saw something they could then warn or ticket.

Your thoughts

**BOARD OF SELECTMEN
TOWN OF PEMBROKE, NH
JANUARY 22, 2019 at 6:30 PM**

DRAFT

Present: Chairperson Tina Courtemanche, Selectman Ann Bond, Selectmen Vincent Greco, Selectmen Sandy Goulet

Staff: Town Administrator David Jodoin, Recording Secretary Jillian McNeil

Excused: Selectman Michael Crockwell

I. Call to Order:

Chairman Tina Courtemanche called the meeting to order at 6:30pm.

II. Citizen Comment:

None

III. Scheduled Meetings:

Chris Arrigo, Michael Arbo, and Jesse Hall were present to discuss the request of the SNH Off-Road ATV/UTV group to organize and use the town's Range Roads. Chris gave an overview of what the ATV group is looking to accomplish. They would like to organize a club to properly sign the roads, maintain the roads, and enforce the rules of the roads. Michael stated some of the issues they have found are riders riding on private property and discharging weapons. Chris stated that once the club gets the permission from the Town to organize, they would go to the state and begin the process of officially becoming a recognized club and that would bring the state's insurance policy to the trail network. This would change the Town's liabilities.

Selectman Greco made a statement that he feels that when there is club member presence on the trails, the trails become safer and cleaner. He also stated that is a big issue when people bring Jeeps and trucks out "mudding" on the roads and the destruction it causes. Chris stated there wouldn't be much the club could do to curtail that since the roads are currently class 6 town roads. David Jodoin stated that there are seasonal weight limits of 1,800 lbs. David asked for the typical weight of a side by side. Chris stated around 1,200-1,500. David asked what the clubs version of "Patrol" was. Chris stated that clubs typically have trail patrol and they would mark their ATV's trail patrol. He feels that the majority of riders will naturally slow down when they see people coming the other way, especially on a marked machine. The club members have pledged to have someone out there almost daily.

Selectman Greco asked about the 4-wheelers on the snow mobile trails. Chris stated they are open to having the Range Roads open year-round but that would require further discussion. Jesse stated that in the southern part of the state, the snow is not year-round which allows for riding most of the year.

Michael stated that the speed limit on trails is 25 -35 mph. Lieutenant Adam Cheney, NH Fish & Game, stated that regardless if the trail is posted or not, the maximum speed for an OHRV on a class 6 road is 35 mph. A 4-wheeler can only go as fast as it is reasonable and prudent for existing conditions. Michel stated without signage, there is no perceived speed limit.

Selectman Bond asked if the club is aware of the proposed development that will extend onto 4th Range Road. They stated that they were aware but there is plenty more land out there. Jesse stated that they plan to go trail by trail and look for ways to manage water diversion, add culverts, and manage the trails. David Jodoin stated that the Town cannot provide any funding for the roads and that the roads would have to be passable for emergency vehicles. Jesse stated that they are aware of that and once they have the permissions to go ahead with the project, they will apply for grants from the state to assist in these projects. Jesse stated that the goal is make the majority of the roads passable by removing the swamps and brooks that go through the trails.

Selectman Courtemanche asked for clarification on the statement of not having swamps and brooks out there. Jesse clarified that he meant in the middle of the trail. They are not touching any of the wetlands or going beyond the trails themselves. The trails have eroded over the years and they want to rebuild them. They want to control the silt and sediment running off the roads. They plan to build ditches along the sides of the roads.

Pembroke Police Chief Dwayne Gilman and Fish & Game Lieutenant Adam Cheney discussed their concerns for the Town allowing the club to open the Range Roads. Chief Gilman expressed that there is enforcement out on the Range Roads but what happens on the main roads of the Town takes priority with the Department. Opening the roads brings more people which will add to the local economy but more people will also mean an increase in any safety issues. The Chief has concerns for the noise level of the machines. Parking will be an issue at any entrance point to the Range Roads. At any given point, there is only room for 1-2 trailers. Chief Gilman spoke to the State of New Hampshire about parking at the lot near maple grove campground. The State stated they are unaware of the amount of people currently using that parking lot and they are discussing now if they are going to continue to allow the people who currently use the lot to continue never mind any additional parking. This will add enforcement issues to the Pembroke Police Department if the State says they cannot use the lot. They cannot park at Bear Brook if they have to travel in a public road way to get to the Range Roads. ATV's are not allowed on public roadways. David asked if side by sides are allowed on the public road ways. Lt. Cheney states that right now, Rt. 28 is not a legal crossing. The State would need

to come out and survey the road, do a traffic study, and then they would need to sign it at the official crossing point. It is a liability for the Town and the State to make these crossings.

Lt. Cheney discussed his experiences with the opening of the trails in Pittsburg and Colebrook. He stated that he covers District 5 which covers 44 towns and around 600,000 people. He has a total of 3 officers to cover all of the search and rescues and other fish and game responsibilities. There will not be more enforcement for the Range Roads if the roads are opened up. There has been an increase in complaints along the power lines and Cross Country Road from riding. He does not recommend allowing night time riding. He recommends that the club joins the New Hampshire Off Highway Vehicle Association (NHOVA). Fish & Game currently gives out grants to local law enforcement for aid in enforcing the trail systems. There are concerns for EMS and the town will likely have to buy some sort of rescue vehicle for injuries that require spine stabilizations. Lt. Cheney stated that side by sides are noisy and there will be a lot of complaints.

Brian Lemoine, Resident, asked if it is advantageous for the Town to grant this club permission. Lt. Cheney stated that it is. He just wants to make sure there is a complete picture of what Fish & Game is capable of in regards to enforcement.

Lt Cheney reiterated that the club should get in touch with NHOVA and not have riding after dark. They will also need to get permissions from land abutters to use the trail system. This created an issue up North where permission wasn't granted and they opened up Town roads so people could go around the private property. When Town roads are opened up, per the State RSAs, it wipes any liability from the Fish & Game and puts it on the Town. This also means that there can be a 14-year-old riding on a Town Road which can be a liability.

Justin Colvin, Trail Master SNH Off-Road ATV Club, stated that since there cannot be anyone out there patrolling, wouldn't it be helpful to have the club presence. Lt. Cheney said definitely and he would recommend getting matching vests that say trail patrol as well as marking the machines.

Selectman Bond and Selectman Courtemanche asked if the Town could post signs and time limits for night riding. David said that the Town can set a local ordinance. Lt. Cheney said that they would recommend either a half hour after sunset or no riding after dark. The club can make the rules as well and would recommend getting help from NHOVA on that. Chris Arrigo stated that once they become an official club, they will get in touch with NHOVA but since they do not have an official trail network, they haven't taken that step.

David Jodoin asked if they believe the Range Roads would draw a large crowd. Lt. Cheney stated that he thinks they will. Michael Arbo stated that the riding is already happening and there isn't any structure and organization to it. That is what the club is hoping to accomplish.

Selectman Bond asked if having a club puts any limits on the Town's authority. Lt. Cheney stated that any law enforcement can enforce the Fish & Game laws and vice versa. The only laws that Fish & Game cannot enforce and the local police can, are town or city ordinances.

Selectman Bond asked if even with a club, if an issue presents itself in a year or so, can the Range Roads be closed back down. Lt. Cheney stated they can put a probationary period on the club to see if it is working or not. He recommends at a minimum, a probationary period should not be less than one year and maybe even two years since it will take a while for the club to get up and running.

Chief Gilman asked how many abutters have been notified. David stated that the hearing notice went out as a public hearing in the paper and on the website but not individual notices. Lt. Cheney suggested also discussing it at Town Meeting.

Public hearing opened at 7:17 p.m.

Bill Conn, Resident, expressed concerns for placing the trails on maps leading to the town being overwhelmed with machines and parking issues being created.

Ed Kenny, Resident, stated that the Snowmobile Club has spent \$10,000 in the last two years fixing up the Range Roads for their club. He worries about further damage to the roads when trucks are already causing so much. He also states that snowmobiles go away after 8-10 weeks, ATVs will be a year-round. He also noted that he is constantly applying for grants to put in culverts and they are consistently denied. Lt. Cheney recommended setting a season to avoid having activity on the roads during mud season. Memorial Day – Labor Day is a common season.

Wendy Weisiger, Resident and Conservation Commission Member, stated her support for the club and their intentions but that she also concerns. Wetland permits are being reviewed and it is not going to get simpler to get them. The majority of the roads are on wetlands which means getting the permits for the culverts will likely be very difficult. While there has been a boom lately in people getting outside and using side-by-sides and OHRVs, the old road beds that are commonly found in New Hampshire are not designed, maintained, or built to withstand the kind of abuse they are taking. Wendy recognizes that the roads are already out on the internet and people can already find them and the club is doing a great job of recognizing the need for protection and being proactive in cleaning up trash but it is only going to get harder with an influx of use. There is an inability of Fish & Game to enforce the area. This is going to fall on the backs of the Pembroke Police Force and the Town Hall to field resident complaints. The Town will have to work with the club to ensure everything is executed properly. The Town should outline expectations, what the town wants for outcomes, an appropriate timeline, and how the club can successfully reach those outcomes. They will need oversight from various Town Departments.

Public hearing closed 7:28 p.m.

It was the decision of the Board to notify the abutters and anyone effected by the trail system and have another public hearing.

IV. Old Business:

None

V. New Business:

Selectman Bond made a motion to appoint Timothy Goldthwaite as a full-time member to the Planning Board to replace Richard Bean. Selectman Goulet seconded the motion. Motion passed 4-0

Selectman Bond made a motion to appoint David Baril Jr. as an alternate to the Conservation Commission. Selectman Goulet seconded the motion. Motion passed 4-0

Selectman Greco moved a motion to accept the donation of \$5,000 from Continental Paving on behalf of the Recreation Commission in accordance with RSA 31:95-b. Selectman Bond seconded the motion. Motion passed 4-0

Selectman Goulet moved to approve the Manifest/Abatements as presented. Selectman Greco seconded the motion. Motion passed 4-0.

Selectman Greco moved to approve the minutes of January 7, 2019 as presented. Selectman Bond seconded the motion. Motion passed 3-0. Selectman Goulet abstained.

VI. Town Administrator Report:

Carol Bertsimas, Vice Chair Conservation Commission, in 2012 the Town acquired lot #260-41 on 6th Range Road through donation from owner. The abutting lot 260-42 became property of the town by tax collectors deed. Back in 2015, the Conservation Commission made an offer to purchase the property. Last March, the Town adopted an article that the Board is required to offer property like this to the Conservation Commission before trying to sell it. Selectman Goulet asked if this piece of property would qualify for that since the town acquired the property in 2015. David stated that the piece was deeded in 2012 but they held it for three years because if they town holds any property for three years; the town retains any profit at the sale. If it sells the property before that, the last known owner gets the difference. Selectman Goulet asked what the offer was. Carol answered it was \$5,000 for 5.6 acres which covered expenses. David stated it is on a class 6 road, not near an entrance, and is not developable unless the road is brought up to town specifications. Selectman

Bond asked what the total acreage that the Conservation Commission currently has. Carol answered it is 3-4% of total town land but is not sure what the exact acreage is. Carol and the Commission are looking to see if there is anything that can be done to push the project forward. Selectman Goulet requested additional time to research. Selectman Courtemanche asked if there was any additional interest in the property. David answered that there is not. Selectman Courtemanche stated that they will grant Selectman Goulet the time to research and will revisit this at the February 4th meeting and if needed, then they will carry it to the February 19th meeting. Carol agreed to come back with the exact acreage the Commission currently has.

Selectman Goulet suggested pushing the ATV club meeting to March 4th meeting to allow enough time for the abutters to be notified and so there is a full Select Board available.

David stated that he received an email to dedicate the Town Annual Report to Patricia Crafts who passed away last year. Selectman Greco made a motion to dedicate the Town Annual Report to Patricia Crafts, Selectman Goulet seconded the motion. Motion passed 4-0

David received a letter from the State of New Hampshire stating that the engineer review study for the North Pembroke Road Bridge is found to be acceptable. Total estimate of the project is \$2,056,055. The state will cover 80% and the remainder will be \$30,000 for Concord and the balance will be Pembroke's because the City of Concord will be managing the project with their staff. Pembroke's portion is roughly \$385,000 and there is currently enough money to cover the project from encumbered funds over the last two years.

David stated that the Barrington letters went out and the deeding letters went out to the property owners and mortgage companies. There are 26 people on the deeding list. Selectman Goulet asked if that amount is common. David stated that it is and 6 out of the 26 are new to the list this year. They will have until May 9th to pay. The Board will receive annual updates.

VII. Committee Reports:

Selectman Bond – For the street light conversion project, there are still no costs from Eversource on the corrections they need to make. Ann stated that the Meadows View development is proposing a Mason's Way and the Town already has a Masons Avenue. David stated it was brought up at the TRC meeting and they were told they would need to change the name. Ann asked if there was an ordinance for driveway size when there is a shared driveway. The development is proposing a few shared driveways. David stated that the Police and TRC Board are not in favor of the shared driveways but that will be a discussion to have with the Planning Board. Ann stated that the other concern is they want to do open drainage. David stated that it is being discussed with the Roads Committee and the Planning Board. The developers are requesting to be on the agenda for February 4th to discuss the opening of the road and

the subdivision. Selectman Bond stated another concern is the four retention ponds. David answered that historically retention ponds have ended up the Town's responsibility. She also stated that there is a request to the Selectmen to adopt a standard for street lights by the Planning Board.

Selectman Greco – None

Selectman Courtemanche – The Budget Committee went over more of the School Budget. Dan Crean presented a list of \$212,000 worth of cuts. The next meeting is Thursday, January 24th to go over the Town and School warrant articles.

Selectman Goulet – None

The Next Selectmen's meeting will be February 4, 2019 at 6:30 at the Town Hall.

VIII. Other/Citizen Comment:

None

IX. Non-Public Session:

Motion by Selectman Goulet to enter non-public session in accordance with RSA 91-A:3 II (c). Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant, at 7:58 PM. Seconded by Selectman Bond.

Roll Call Vote

Chairman Courtemanche	Yes
Selectmen Greco	Yes
Selectmen Goulet	Yes
Selectmen Bond	Yes

The Board came out of non public session at 8:10 PM.

Motion by Selectman Goulet to enter non-public session in accordance with RSA91-A:3 II b Hiring, seconded by Selectmen Bond.

Roll Call Vote

Chairman Courtemanche	Yes
Selectmen Greco	Yes
Selectmen Goulet	Yes

Selectmen Bond

Yes

The Board came out of non public session at 8:18 PM.

X. Adjourn:

Motion by Selectmen Goulet to adjourn at 8:19 PM seconded by Selectmen Bond.
Motion passed.

Justine M. Courtemanche, Chairman

For more detailed information, the meetings are now taped and can be seen on www.townhallstreams.com click on Pembroke NH and look for the day of the meeting under the month.

RECEIVED
JAN 28 2019
TOWN OF
PEMBROKE, NH



January 25, 2019

Board of Selectmen
Town of Pembroke
311 Pembroke Street
Pembroke, NH 03275

Re: Annual Customer Notice

Dear Chairman and Members of the Board:

Each year Comcast provides its customers with annual notices, including such information as Comcast's customer privacy policy, payment procedures, equipment compatibility and billing dispute and complaint procedures.

In accordance with RSA 53-C:3-d, enclosed please find a copy of the inserts received by customers in their bills during **2018**. In addition, please find a copy of the Affidavit submitted to the Attorney General's Office certifying the inclusion of such documents into customer bills during the **2018** calendar year.

Should you have any questions, please do not hesitate to contact me at 603-224-1871, ext. 202.

Very truly yours,


Bryan Christiansen

Bryan Christiansen, Sr. Manager
Government & Regulatory Affairs

AFFIDAVIT

Customer Annual Notice

I, Ronni Summerton, certify that Comcast of Connecticut/Georgia/Massachusetts/New Hampshire/New York/North Carolina/Virginia/Vermont, LLC, Comcast of Maine/New Hampshire, Inc., Comcast of Massachusetts/New Hampshire, LLC and Comcast of New Hampshire, Inc. complied with New Hampshire RSA 53-C:3-d (Notices to Subscribers Regarding Quality of Service) by providing each customer located in the communities attached hereto an insert regarding 1) ***Customer Privacy Notice***, 2) ***Notice to Customers Regarding Equipment Compatibility & Important Information***. Each notice was submitted with subscriber bills in February and August of 2018 respectively.


Signature

Ronni Summerton

Print Name

January 7, 2019

Date

Attachments

Comcast Customer Privacy Notice

For Subscribers of Cable Video, Internet, Voice, and Home Security Services



Privacy English 2018_eb111

Overview

Comcast knows our customers care about how Comcast uses, maintains, and shares the information we collect about them, and the choices they have regarding that use and sharing. Comcast holds customer privacy in the highest regard, and we are committed to protecting your privacy as we describe in this Privacy Notice. We value the trust you place in us as a customer when you subscribe to one or more of the Services described below.

This Comcast Customer Privacy Notice (the "Privacy Notice" or "Notice") describes: (1) the types of information Comcast collects when you subscribe to, use, and/or access our Services; (2) how we use, share, and protect that information; (3) how long we retain that information; and (4) the legal limitations imposed on our collection, use, and sharing of information that personally identifies you.

This Notice also provides you with information about how to access, review, and correct information that personally identifies you, how to set privacy preferences and opt out of certain uses and sharing of information, and your rights under federal law and this Notice concerning your personally identifiable information.

Entities Covered

In this Notice, the terms "Comcast," "we," "us," or "our" refer to the operating company, subsidiary, or affiliate of Comcast Cable Communications, LLC that (1) owns and/or operates the cable television system in your area, and (2) delivers one or more of the Services. The term "you" refers to you as a subscriber to one or more of the Services.

Services Covered

This Privacy Notice applies to the Comcast-provided Xfinity® cable video ("video"), Internet, and voice services delivered over our cable system (including the services provided when you use the Xfinity Stream app and tv.xfinity.com to access Xfinity video as a cable service in your residence and when you subscribe to Internet service and use the Xfinity Wi-Fi service). This Privacy Notice also applies to Comcast-provided home security service. Collectively, these are referred to as the "Services" throughout this Privacy Notice.

This Notice does not apply to other Comcast services or offerings, such as Xfinity Mobile, or other Comcast® and Xfinity-branded websites, applications, or streaming services, except as described above. These services, websites, and applications have their own privacy policies, which we post at <https://www.xfinity.com/mobile/policies/privacy-policy> and <http://my.xfinity.com/privacy/>.

Information Covered

This Privacy Notice also does not apply to (1) information that may be collected through any other products, services, websites, or applications, even if you access those other products, services, websites, or applications through our Services and even if they are co-branded with Comcast brands or the brands or logos of our affiliated companies; (2) information collected by devices, such as a "smart TV," or through a third-party (non-Xfinity) mobile application, where the manufacturer or application owner has enabled information-gathering capabilities including automatic content recognition that we do not control; or (3) interactions with third-party content providers that you may access through the Services, such as online video providers you may reach through our set-top boxes. You should read the privacy policies for these other products, services, websites, and applications to understand whether and how they apply to you and the data they collect about you.

Please read this entire Privacy Notice to understand our privacy policies and practices. You can also find answers to your specific questions quickly by using the links below.

I. Collection of Information

This section describes the types of information Comcast collects when you subscribe to, use, and/or access one or more of the Services. Some of our Services permit you to establish secondary accounts, and if you do so we collect similar information in order to establish and maintain those accounts. When you allow others to use or access the Services through your account, we collect information about their use, as well.

Information You Provide to Us

We collect information that you provide to us when you create an account with us or when you call us, use online account tools (for example, when you access My Account or chat online with an agent), report service issues, complete customer surveys, enter contests and promotions, or otherwise communicate with us. This information includes:

- name and contact information (for example, billing address, service address, email address, and phone numbers);
- payment information, such as your payment card or bank account information;
- information related to a credit application for the Services, which may include your Social Security number, driver's license number, or other government issued identifiers;
- information you provide to authenticate your access to the Services, such as passwords, images, voice recordings, or other personal identifiers;
- information you provide when you establish custom settings or preferences; and
- customer correspondence and other communications records, including records of calls and chats with our customer service representatives.

Information We Collect When You Use the Services

We also collect information about your account and your use of the Services, which may include:

- your account number;
- billing, payment, and deposit history;
- maintenance information;
- the types of Services to which you subscribe;
- the device identifiers and network addresses of equipment used with your account;
- voice commands;
- video and audio recordings;
- records indicating the number and types of devices connected to our network;
- technical information about your Service-related devices, including customization settings and preferences;
- network traffic data;
- information about your use of the Services and their features, including video activity data, as well as Internet or online information such as web addresses and other activity data in order to render Internet service; and
- additional information about the Service options you have chosen.

When you use the Services, our cable system automatically generates, transmits, and collects much of this information as part of providing the Services to you. For example, we receive information about the use of set-top boxes, remote controls, program guides, video players, applications, and other devices and software connected to our cable system ("video activity data"). The video activity data includes, for example, which channels, programs, and advertisements are viewed and for how long. It may also include information about navigation through program guides and applications, and use of devices like remote controls and tablets. If you select various features of our equipment, such as voice commands or search, we also will collect and process the data needed to fulfill your requests.

Location Information

We may collect information from the devices you use to access the Services that tells us where you are at a specific point in time. For instance, we may know that you are at home when you chat with us through your Xfinity Internet service.

Information Provided by Third Parties

We also obtain data and information about you from third parties. For example, when you request new or additional Services or features from us, we may obtain credit information from credit reporting agencies. Additionally, if you rent your residence, we may have a record of whether landlord permission was required prior to installing our cable services as well as your landlord's name and address.

We may obtain additional information about you from third parties such as demographic data (for example, gender, age, and census records, etc.), location data (for example, designated market area, zip code, etc.), interest data (for example, sports, travel, and other recreational activities, shopping preferences, etc.), or purchase data (for example, public records, loyalty programs, etc.). We may combine the data we collect from third parties with information in our business records, including information about your use of the Services. We may also combine information about your use of the Services with information we obtain from your use of other products, services, websites, and applications from Comcast. We use this combined data as described in the "Use of Information" section below.

II. Use of Information

We use the information we collect to provide and improve the Services and our network, to communicate with you, to deliver relevant advertising, to create measurement and analytics reports, and to provide additional features and offerings. Sometimes we use information that personally identifies you, such as when we are authenticating your account or communicating with you. We also maintain and use information in de-identified or aggregated forms that do not identify you.

To Provide and Improve the Services

We use the information we collect to conduct business activities related to providing you with the Services, including:

- establishing your account
- measuring credit and payment risk;
- billing and invoicing;
- authenticating access to your account;
- account administration;
- service delivery;
- maintenance and operations, including management of the network and devices supporting our service and our systems;
- technical support;
- hardware and software upgrades for devices and systems;
- understanding the use of our services;
- improving our services and identifying and developing new products and new services;
- marketing and advertising;

- detecting the unauthorized reception, use, or abuse of the Services and to protect our customers from fraudulent, abusive, or unlawful use of, or subscription to, the Services;
- collecting fees and charges;
- protecting our rights, our personnel, and our property; and
- complying with applicable law.

We also use the information we collect to measure and analyze how our customers are using the Services. For video, this includes assessing which programs are most popular, how many people watch a program to its conclusion, whether people are watching advertisements, and what programming and video content we will carry on the Services. It also includes determining how our customers prefer to view certain kinds of programming when they use our video service, such as whether they like to watch certain programs live, or if they prefer to view them on demand, on mobile devices, or online.

When we provide you access to third-party content providers through our set-top boxes, we may measure how often and how long you use such services, but your use of those third-party providers are controlled by the terms and privacy policies of those providers. For Internet and voice services, we similarly analyze customer usage data, such as the amount of bandwidth that is being used, the peak times of usage, or the types of services that are being used.

To Communicate with You

We also use the information we collect to deliver and personalize our communications with you. For example, we may use the contact information you provide to inform you of Service updates or the status of a service request or outages, to invite you to participate in a survey, to collect amounts you owe, or in connection with other activities related to the Service. We will provide you with service-related announcements, such as a pricing change, a change in operating policies, a service appointment, or new features of one or more of the Services you receive from us through emails, texts, calls, Comcast-provided equipment, and other communications methods. You may select the manner in which you prefer to receive many of these communications by visiting the customer preference center at <https://customer.xfinity.com/#/users/me/notifications>.

To Provide Recommendations and Deliver Relevant Advertising and Marketing

We may also use information about you and/or your use of the Services or other services we provide to determine which movies or television shows to recommend to you and to send you promotional communications for the Services and other products and services we think may be of interest to you. We may also use this information to help third-party advertisers and programmers deliver more relevant advertising.

These promotional communications and advertisements may be directed to you because you subscribe to one or more of the Services, because of the way you use the Services, because you live in a certain geographic area, or based on demographic and interest information that we collect or obtain from other companies. These communications may be subject to your consent, as described in Section IV of this Notice ("Your Choices"). In no event will Comcast give your name or other personally identifying information to an advertiser without your consent.

To Create Analytics and Measurement Reports

We and service providers who work on our behalf may use and combine data from our business records – including account information, video activity data, and other usage data – with data from third parties to create measurement and analytics reports. These reports do not contain any information that personally identifies you and instead contain de-identified or aggregate information.

We use these reports for many of the purposes described above, such as for improving the Services, creating and delivering more relevant advertising on behalf of Comcast and other third parties, determining whether and how an advertiser's messages are viewed, and analyzing the effectiveness of certain advertisements on the Comcast platforms and services and other platforms and services. We also use these reports to work with academic or research groups, and for other uses that help us develop and fund improvements in services and infrastructure. We may share these reports with programmers, advertisers, or others. To learn about the choices you have with respect to our use of your information for these purposes, see Section IV of this Notice ("Your Choices").

III. Sharing & Disclosures of Information

We limit the information we share and disclose to others as described below.

Service Providers

In order to provide and support the Services, sometimes we use third-party companies as service providers that work on our behalf to transmit, collect, process, or store information for us. We require these service providers to treat the information we share with them as confidential and to use it only for the purpose of providing the services for which they have been engaged. These engagements typically include services such as billing and collections, administration, auditing and accounting, professional advice and consulting, surveys, marketing, service delivery and customization, maintenance and operations, security incident verification and response, service notifications, fraud prevention, and services to improve our programming and advertising offerings. For example, Comcast uses service providers to process payments for us and we may share your payment information with those billing processors when you make a payment. Or, Comcast may use a service provider to obtain information about you to assess your credit and payment status.

The Comcast Family of Businesses

Comcast may share the information it collects with its affiliates that offer other Xfinity and Comcast-branded products, services, and applications. For example, if you use your Xfinity Service account information to create an Xfinity Mobile Service account, we may share your Service account information with the Comcast company that offers that service. We do this so that these companies can provide services to you and to make it easier for you to use Xfinity Mobile Service and other Xfinity services. We may also share information about you with other Comcast companies (including NBCUniversal-branded companies and other non-Comcast or non-Xfinity-branded affiliates) for marketing and advertising purposes when we have any required consent to do so.

Account Owners and Users

Comcast may disclose any information about a customer's account and use of the Services and their features to the primary account owner after appropriate authentication. The primary account owner may also authorize other users to access information on the account, and that may include data about you and your use of the Services.

Third Parties for Marketing Purposes

We will not share, sell, license, rent, or otherwise permit access to information that personally identifies you to an unaffiliated third party for that third party to market its products or services to you, unless we have the required consent to do so. Unless we have your affirmative "opt-in" consent, we will not sell or share any of your personally identifiable web browsing information, video activity data, sensitive information (such as financial account information or Social Security number), or call detail records that we collect from our cable system. We may, however, share de-identified or aggregate information with third parties for their own uses when those third parties commit to not re-identify that information or share it with others who may attempt to do so.

As permitted by federal law, we may disclose your name and address to non-governmental entities, such as charities or businesses, so long as such disclosure does not reveal, directly or indirectly, the extent of your use of the Services or the nature of any transaction you make over our cable system. You have the right to prohibit or limit this kind of disclosure by asking to be placed on our "do not disclose" list, as described in Section IV of this Notice ("Your Choices").

Other Third Parties

If you subscribe to our voice service, Comcast may disclose information about you to others in connection with features and services such as Caller ID, 911/E911, and directory services as follows:

- We may transmit your name and/or telephone number to be displayed on a Caller ID device unless you have elected to block such information. Please note that Caller ID blocking may not prevent the display of your name and/or telephone number when you dial certain business or emergency numbers, 911, 900 numbers, or toll-free 800 and similar numbers.
- We may provide your name, address, and telephone number to public safety authorities and their vendors for inclusion in E911 databases and records, inclusion in "reverse 911" systems, or to troubleshoot 911/E911 record errors.
- We may publish and distribute, or cause to be published and distributed, telephone directories in print, on the Internet, and on disks. Those telephone directories may include subscriber names, addresses, and telephone numbers, without restriction to their use.
- We may also make subscriber names, addresses, and telephone numbers available, or cause such subscriber information to be made available, through directory assistance operators.
- We may provide subscribers' names, addresses, and telephone numbers to unaffiliated directory publishers and directory assistance providers for their use in creating directories and offering directory assistance services.
- Once our subscribers' names, addresses, and telephone numbers appear in telephone directories or directory assistance, they may be sorted, packaged, repackaged, and made available again in different formats by anyone.

We take reasonable precautions to ensure that non-published and unlisted numbers are not included in our telephone directories or directory assistance services, but we cannot guarantee that errors will never occur.

If we (or our parent company) enter into a merger, acquisition, or sale of all or a portion of our assets, information about you and your subscription, including information that personally identifies you, will, in most instances, be one of the items transferred as part of the transaction. If this Notice will be changed as a result of such a transaction, you should refer below under "Changes to the Privacy Notice."

When Required by Law or To Protect Comcast and Others

There are times when we may be required by law to disclose information about you to third parties. These disclosures may be made with or without your consent, and with or without notice, in compliance with the terms of valid legal process such as a subpoena, court order, or search warrant.

If you subscribe to our Xfinity video service, Comcast may be required to disclose information that personally identifies you to a governmental entity in response to a court order. In this case, the Cable Act (defined below in Section V) requires that you be afforded the opportunity to appear and contest in a court proceeding relevant to the court order any claims made in support of the court order. At the proceeding, the Cable Act requires the governmental entity to offer clear and convincing evidence that the subject of the information is reasonably suspected of engaging in criminal activity and that the information sought would be material evidence in the case.

If you subscribe to the Xfinity Internet, voice, or home security services, Comcast may be required to disclose information that personally identifies you to a governmental entity in response to a subpoena, court order, or search warrant, depending on the type of information sought. We are usually prohibited from notifying you of any such disclosures by the terms of the legal process. We may also seek your consent to disclose information in response to a governmental entity's request when that governmental entity has not provided the required subpoena, court order, or search warrant.

A non-governmental entity, such as a civil litigant, can seek information that personally identifies you or your use of the Xfinity video, Internet, or voice services only pursuant to a court order and we are required by the Cable Act to notify you of such court order. If Comcast is required to disclose information that personally identifies you to a private third party in response to a civil court order, we will notify you prior to making such disclosure unless legally prohibited from doing so.

We may also disclose information that personally identifies you as permitted by law and without your consent when it is necessary to protect our customers, employees, or property; in emergency situations; or to enforce our rights under our terms of service and policies.

IV. Your Choices

In many instances, you have choices about how we communicate with you and how we use and share your information.

Opting Out of Certain Marketing Communications

For your convenience, we have created a customer preference center where you can manage:

- your account communications and notifications;
- your marketing calls, texts, and direct mail preferences;
- your preference for door-to-door sales calls;
- promotional or commercial emails Comcast may send to you; and
- targeted advertising for third-party products and services based on your interests.

To manage your preferences, please visit our customer preference center at <https://customer.xfinity.com/#/users/me/notifications>. Once you sign in, you can review your options, get more information about the types of marketing activities you can opt out of, and make your choices. If you change your mind, you can return any time to update your preferences.

We understand that sometimes you may want to speak to a Comcast representative who can assist you with these choices. You can contact Comcast at 1-800-XFINITY and ask us to put your name on our internal company "do not call," "do not mail," or "do not knock" list. You may also contact us at this number and ask to be placed on the "do not disclose" list, which will let us know that you do not want us to share your name and address with third parties, as described above.

If you prefer to contact Comcast in writing instead of by telephone, you may send a written request to the address listed below under "How Do I Contact Comcast?" Be sure to include your name and address, your Comcast account number, and a daytime telephone number where we can reach you. The person who is identified in our billing records as the customer should sign the written request. If you have a joint account, a request by one party will apply to the entire account; for multiple accounts, your notice must separately identify each account covered by the request. If you are writing to opt-out of marketing calls, you must state the phone numbers or addresses that you wish to be placed on the relevant lists.

Opting In to the Use of CPNI to Market Additional Products and Services to You

If you subscribe to Xfinity voice service, when you are interacting with one of our customer service representatives, such as on a call, in our offices, or during an online chat session, we may ask you for your oral consent to the use of your customer proprietary network information or "CPNI" for the purpose of reviewing your account and providing you with an offer for other products and services. If you provide consent, Comcast may use your CPNI only for the duration of that telephone call or discussion in order to offer you additional services. If you deny or restrict your approval for us to use your CPNI, you will suffer no effect, now or in the future, on how we provide any services to which you subscribe.

V. Your Rights under Federal and State Law

This Notice is designed to comply with federal and state law requirements, including California law, which is applicable to our customers located in California who are served by a cable television corporation.

The Cable Act and Personally Identifiable Information

This Privacy Notice is designed to comply with Section 631 of the federal Cable Communications Policy Act of 1984, as amended, (the "Cable Act"). The Cable Act permits Comcast to use the cable system to collect personally identifiable information about you. Personally identifiable information is information that identifies you specifically; it does not include de-identified, anonymous, aggregate, or other data that does not identify you. We may collect personally identifiable information when it is necessary to render cable services or other services to you and to detect unauthorized reception or use of the services. We may use the cable system to collect personally identifiable information about you for additional purposes with your prior written or electronic consent. The Cable Act also permits Comcast to disclose personally identifiable information if the disclosure is necessary to render, or conduct a legitimate business activity related to, the cable service or other services provided to you; required by law or legal process; or limited to your name and address, subject to your opt-out consent. The frequency of any disclosure of personally identifiable information varies in accordance with our business needs and activities as described in this Notice.

If you believe that you have been aggrieved by any act of ours in violation of the Cable Act or other applicable laws, we encourage you to contact us directly as described below in "How Do I Contact Comcast?" in order to resolve your question or concern. You may also enforce the limitations imposed on us by the Cable Act as applicable with respect to your personally identifiable information through a civil lawsuit seeking damages, attorneys' fees, and litigation costs. Other rights and remedies may be available to you under federal or other applicable laws as well.

This Privacy Notice neither supersedes, enhances, nor modifies any arbitration agreement to which you may be bound as a subscriber to one or more of the Services.

The Communications Act and CPNI

Section 222 of the Communications Act of 1934, as amended (the "Communications Act"), provides additional privacy protections for information about the quantity, technical configuration, type, destination, location, and amount of your use of telecommunications services, as well as Xfinity voice services, and the information about those services contained on your bill. This information is known as customer proprietary network information or "CPNI." CPNI does not include your name, address, and telephone number, which is defined by the Communications Act as "subscriber list information." However, that information is otherwise considered personally identifiable information.

If you are a customer of Xfinity voice service or another Service that is subject to these requirements, you have the right, and Comcast has a duty, under the Communications Act and other applicable laws, to protect the confidentiality of your CPNI. In addition, the FCC's rules provide additional privacy protections and choices regarding use and sharing that are specific to our voice services that we describe in this Notice.

VI. Accessing and Correcting Information

It is important that your account records contain accurate information. You may correct or update information about your account as described below. We will correct our records upon reasonable verification that the changes you request are proper.

If you have Internet access, you can view and change certain information yourself by going to www.xfinity.com and signing in with your Comcast username and password to access the My Account feature. If you are a home security customer, you can go to the subscriber portal at www.xfinity.com/xhportal. You may also call 1-800-XFINITY and speak to a customer service representative.

If you would like to examine your own personally identifiable information, you may do so at your local Comcast office upon reasonable prior notice to us and during our regular business hours. To do so, please contact us by mail at the address below or telephone at 1-800-XFINITY, giving us a reasonable period of time to locate and, if necessary, prepare the information for review, and to arrange an appointment. You will need to provide proper identification and you will only be permitted to examine the personally identifiable information in your account and no other account.

If you make an affirmative, written request for a copy of your Xfinity voice CPNI, we will disclose to you the relevant information we have at your account address of record, or to any person authorized by you, if we reasonably believe the request is valid. However, subscribers to our Xfinity voice services should be aware that we generally do not provide them with records of any inbound or outbound calls or other records that we do not furnish in the ordinary course of business (for example, as part of a bill) or which are available only from our archives, without valid legal process such as a court order. In addition, we cannot correct any errors in customer names, addresses, or telephone numbers appearing in, or omitted from, our or our vendors' directory lists until the next available publication of those directory lists. Further, we may have no control over information appearing in the directory lists or directory assistance services of directory publishers or directory assistance providers that are not owned by us.

Comcast reserves the right to charge you for the reasonable cost of retrieving and photocopying any documents that you request.

VII. Other Important Information

Protecting the Information We Collect

We follow industry-standard practices to secure the information we collect to prevent the unauthorized access, use, or disclosure of information about our customers. These security practices include technical, administrative, and physical safeguards, which may vary, depending on the type and sensitivity of the information. Although we take the responsibility of safeguarding your information seriously, we cannot guarantee that these practices will prevent every unauthorized attempt to access, use, or disclose your information.

Data Retention

Comcast maintains information that personally identifies you in our regular business records while you subscribe to one or more of the Services. We also maintain this information for a period of time after you no longer subscribe to a Service if the information is necessary for the purposes for which it was collected or to satisfy legal requirements. These purposes typically include business, legal, or tax purposes. If these purposes no longer apply, we will destroy, de-identify, or anonymize the information according to our internal policies and procedures.

Changes to the Privacy Notice

As required by the Cable Act, we will provide you with a copy of the current Privacy Notice at the time we enter into an agreement to provide any cable service or other service to you, and annually afterwards, or as otherwise permitted or required by law.

We may modify this Notice at any time. You can view the most current version of this Notice by going to <http://www.xfinity.com/Corporate/Customers/Policies/CustomerPrivacy.html>. If we make material changes to this Privacy Notice, then we will provide you at least 30 days' notice and will also notify you by e-mail, direct mail, bill messaging, or other reasonable methods that we select. If you continue to use the service following notice of the changes, we will deem that to be your acceptance of and consent to the changes in the revised Privacy Notice. If we make material changes that will result in a new use, disclosure, or permission of access to previously collected information that personally identifies you, we will obtain your opt-in consent before implementing those specific changes.

How Do I Contact Comcast?

If you have any questions or suggestions regarding this Privacy Notice, or wish to contact us about your personally identifiable information, please reach us as follows:

Phone: 1-800-XFINITY

Website: <http://customer.xfinity.com/contact-us/>

Mail: Comcast Cable Communications, LLC

Attn: Law Department - Customer Privacy Notice

One Comcast Center

Philadelphia, PA 19103-2838

Revised and effective: January 1, 2018

IMPORTANT INFORMATION FOR XFINITY TV CUSTOMERS

SERVICE PROBLEMS

You will find helpful information for troubleshooting TV picture or signal quality issues at www.xfinity.com/support. If the problem does not clear up, please feel free to chat with us at www.xfinity.com/support/contact-us or call us at 1-800-XFINITY, and a customer service representative will attempt to address that issue. We will try to resolve any complaints you have concerning the quality of our signals promptly and efficiently. We will respond to your report of a service interruption no later than 24 hours after you notify us, except in extraordinary circumstances or where conditions are beyond our control. We will respond to your report of other service problems no later than the next business day after you notify us. We may need access to your home in order to correct a service related issue. If a service call is required it will be scheduled at a time convenient to you. If you are dissatisfied with our resolution of your service problem, you may contact your local franchising authority to discuss the problem with your service. If your local franchise authority information is not listed on your bill, please call us at 1-800-XFINITY for the name and address of your local franchising authority.

SERVICE OR BILLING COMPLAINTS

Information regarding your Xfinity services and billing is available through My Account at www.xfinity.com. You also may download the Xfinity My Account app to your smartphone or other device for quick access to up to date information on your account. If you have a complaint regarding your Xfinity TV service or your bill, you will find information on contacting us through chat or by phone at <https://www.xfinity.com/support/contact-us>. Also, you can visit us at one of our Xfinity store locations. Visit <https://www.xfinity.com/support/service-center-locations/> to find the Xfinity store closest to you. If you wish to put your comments in writing, your letter should be addressed to us at the local address listed on the How To Reach Us insert. We will try to resolve your complaint promptly. If you are dissatisfied with our resolution of your complaint, or we are unable to resolve your complaint, you may contact your local franchising authority to discuss your complaint. If your local franchise authority information is not listed on your bill, please call us at 1-800-XFINITY for the name and address of your local franchising authority. If you have a complaint regarding closed captioning please email us at accessibility@comcast.com or call us at 1-855-270-0379.

MOVING

Before you move, please call us at 1-800-XFINITY. This is the best way for us to arrange for your service to be disconnected and to schedule an installation at your new home, if your new home is in our service area.

EQUIPMENT COMPATIBILITY

Xfinity TV service is encrypted and requires a TV Box, TV Adapter, CableCARD or other navigation device that is compatible with our system for each television you wish to use with our service. You may not be able to use special features or functions of your television, VCR or DVD player/recorder with Xfinity TV service. Some of these problems may be resolved by the use of signal splitters, and/or other supplemental equipment that can be purchased from us or at electronic stores. Please call us if you would like to discuss the type of special equipment needed to resolve individual compatibility problems or if you have any questions regarding other equipment compatibility issues.

If you have a TiVo digital cable-ready DVR, you can access switched digital video services by obtaining a "tuning adapter" device. If you have a TiVo DVR or other digital cable-ready devices, you will need a TV Box, TV Adapter, or CableCARD from us to access switched digital video and other two-way cable services. Upon your request, we will provide you with the technical parameters necessary for a navigation device rented or acquired from retail outlets to operate with our system. Because of the need to protect our Xfinity TV service, we will not authorize the use of a navigation device that does not conform to all required signal security specifications. For information regarding other navigation devices, please go to <https://www.xfinity.com/support>.

REMOTE CONTROL UNITS

If you rent a TV Box or TV Adapter from us we will provide a compatible remote control. Also, you may purchase compatible remotes at local electronic stores or other retail outlets. A representative list of compatible remote control models currently available from local retailers includes: Philips PHL PMDVR8, RCA RCR612, and Sony RM-V202. A list of additional compatible remotes may be obtained from your local Xfinity store. Although these remote control units are compatible with the TV Box or TV Adapter that we currently offer, these remotes may not be functional if we change the type of TV Box or TV Adapter we rent. If you have any questions regarding whether a particular remote control unit would be compatible with our equipment, please contact us.

SERVICE CHANGES AND INSTALLATION

Standard installations are generally completed within 7 business days. If you change the services you receive, you may be subject to an installation or change of service charge. You may obtain additional information about our current services, fees and prices online at www.xfinity.com or by calling us at 1-800-XFINITY.

OTHER INFORMATION

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**PUBLIC INFORMATION OFFICES/
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Consumer Division of the Department of
Telecommunications and Cable

1-800-392-6066

1000 Washington Street, Suite 820

Boston, MA 02118

Office of the Attorney General

Consumer Protection and Antitrust Bureau

33 Capital Street

Concord, NH 03301

Office of the Attorney General

Consumer Information and Mediation Service

6 State House Station

August, ME 04333

LEGISLATIVE BULLETIN

Utility Valuation is Back

Most readers don't need to be reminded that valuation of utility property for local property tax purposes has been an almost constant topic in the legislature for the last three or four years, and in the courts for a lot longer. Municipalities have managed to fend off several legislative efforts to establish valuation formulas that would significantly undervalue utility property and lead to property tax increases for other taxpayers.

Last year, in an effort to find a compromise that could solve this problem and put an end to the legislative fights—and the lawsuits—the legislature created a commission to study the issue and make recommendations. That commission, which included representatives from utility companies, assessors, NHMA, the Assessing Standards Board, and the Department of Revenue Administration, met several times last fall and, after much discussion and debate, issued a report that included a recommended formula for determining utility property values. That formula has been incorporated in **HB 700**.

HB 700 is scheduled for a hearing before the House Ways & Means Committee next **Wednesday, January 30, at 11:00 a.m., in LOB Room 202**. NHMA is not taking a position on the bill at this point, but ***we strongly urge assessors and other local officials to become familiar with the bill and attend the hearing on Wednesday.***

The bill establishes a formula for determining the value of a utility's distribution assets within each municipality. It does not apply to (1) electric company property classified as transmission assets according to FERC standards, and associated land or land rights; (2) electric generation facilities and associated land and land rights; (3) gas transmission pipeline facilities regulated by FERC and associated land rights; (4) telephone, cable, or internet provider assets; or (5) large-scale natural gas and propane gas liquid storage and processing facility assets. All of those assets would continue to be appraised using the municipality's current approach.

For electric and gas utility company assets (other than land and land rights), value would be based on a weighted average of 70 percent of each asset's original cost and 30 percent of each asset's net book cost. For water utility company assets, it would be 25 percent of each asset's original cost and 75

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January 25, 2019

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percent of each asset's net book cost. Each company would be required to report annually to each municipality the original cost and net book value of all of its assets located within the municipality.

Three percent of the value derived using the above formula would be added to the value to account for the use of public rights-of-way and private easements. Land owned in fee would be assessed using regular assessing practices outside the formula. The new formula would be phased in over a five-year period, so that in the first year the value would be a weighted average of 80 percent of the locally assessed value for the 2018 tax year and 20 percent of the value determined using the new formula, in the second year the split would be 60-40, and so on until the formula is fully implemented.

This is a big deal, and again, we urge local officials to review the bill carefully to try to estimate its impact—which will vary significantly among municipalities. We are not assessing experts, but we understand, from those who are, that the formula will significantly reduce values in some municipalities and significantly increase them in others. For that reason, NHMA is not taking a position on the bill, at least yet.

Although the bill would lead to lower valuations in many municipalities, local officials should keep in mind that the utility companies have been challenging their valuations every year; and, while the local valuations have mostly been upheld, they have not always—and when the town loses, the result can be disastrous. Unfortunately, the outcome frequently depends on which judge is hearing the case. There is much to be said for predictability, and for saving legal and assessing costs.

Further, while this bill is not the best imaginable result, it is much better than the proposals that received significant support in the legislature over the last several years, and which were defeated only with extensive effort. The New Hampshire Supreme Court has hinted very strongly that it would like to see the legislature resolve the issue, and we fear that a different legislature in a different year might come up with something far worse. Notably, the utility company representatives on the study commission dissented from the majority report, because they believed the recommended formula would create inflated values.

For these reasons, we encourage local officials to review the bill carefully, weigh the costs and benefits of accepting its results versus continuing to do battle in the legislature and the courts, and then let committee members and your own representatives (and us) know what you think.

Licensing Short-Term Rentals

The burgeoning market for short-term rentals of homes and apartments may be a boon to some travelers and homeowners, but it has created serious headaches in many municipalities around the country. Those problems are starting to arrive in New Hampshire, especially in cities and towns with significant tourist traffic. Local officials have no information about what properties are being rented; neighbors complain about noise, trash, and disorderly conduct; and there are no assurances that the properties being rented are safe or sanitary.

NHMA's policy bill, **SB 69**, scheduled for a hearing next week, is a small step toward addressing some of those problems. The bill allows, but does not require, a municipality to adopt provisions

for licensing short-term rentals. It also allows the fire chief to inspect short-term rental properties for fire code violations and other hazardous conditions and authorizes the health officer to investigate sanitary conditions.

It is clear enough under existing law that a municipality may restrict or prohibit short-term rentals through its zoning ordinance. But there are few if any municipalities that want to ban these uses altogether; and if they do allow them, there is little they can do to police them, other than respond to nuisance and criminal complaints. Hotels and bed and breakfasts are subject to regulation and inspections; a functionally identical business should not be immune just because it is operated out of someone's home. **SB 69** takes an extremely light approach compared to ordinances and statutes in many other jurisdictions; and, again, it merely creates a local option. Most municipalities may not choose to exercise that option, but the option should be available.

The hearing on **SB 69** is scheduled for next **Wednesday, January 30, at 10:15 a.m., in LOB Room 102**, before the Senate Election Law & Municipal Affairs Committee.

Local Option Hotel Occupancy Fee

HB 641, an NHMA policy bill that allows municipalities to enact a local option hotel occupancy fee, is scheduled for a hearing before the House Municipal and County Government Committee on **Tuesday, January 29, at 2:30 p.m., in LOB Room 301**. Under the bill, the local legislative body could authorize collection of a fee as a daily charge of up to \$2 per room, or as a percentage of the price of the room not to exceed \$2 per night. Revenues from the fee would be deposited in a capital reserve fund, tourism support fund, revolving fund, or other special revenue fund as authorized.

In a town, adoption of this optional fee would be at an annual or special town meeting by ballot under the procedures in RSA 39:3. Adoption in a city would be in accordance with the procedures provided in the city charter. In either case, a public hearing would be required before a vote by the legislative body.

Municipalities interested in assessing and collecting this optional occupancy fee are encouraged to testify at the hearing on Tuesday or provide written testimony to the Municipal and County Government committee members.

COLA for NHRS Retirees

On **Wednesday, January 30, at 2:00 p.m. in LOB Room 306**, the House Executive Departments and Administration Committee will hear testimony on **HB 616**, which proposes to provide a 1.5 percent cost-of-living-adjustment (COLA) for all New Hampshire Retirement System (NHRS) retirees, or their beneficiaries, who have been retired at least 5 years on or prior to July 1, 2019. This COLA would be a permanent addition to the retirement allowance paid in the future.

The NHRS actuary estimates that this COLA will increase the current \$5 billion unfunded actuarial accrued liability of the system by **\$67.7 million**, which would be paid for by increases in future employer retirement rates over the next 20 years. The cost to terminally fund this COLA (*i.e.*, pay it

all up front rather than through future employer contribution rates) is **\$77.9 million**. Obviously, we have concerns – not about providing a COLA, but about expecting municipal employers to pay for it – and will share those concerns with the committee.

Adopting SB 2

Another **NHMA policy bill**, **HB 415**, relative to the manner of adopting the official ballot referendum (SB 2) form of town meeting, is scheduled for a hearing before the House Municipal & County Government Committee on **Wednesday, January 30, at 1:30 p.m., in LOB Room 301**.

Under current law, a question about adopting SB 2 is put to the voters by placing it on the official ballot. The question that goes on the ballot is prescribed by statute, and it provides almost no insight into the consequences of the vote: “Shall we adopt the provisions of RSA 40:13 (known as SB 2) to allow official ballot voting on all issues before the town on the second Tuesday of March [or April or May]?” That’s it. The question is not discussed or debated at town meeting; it is voted on in the voting booth, where there is no opportunity for questions or explanation. Only the most diligent and informed voters have any idea what it means.

Other major changes to town government—such as establishing a budget committee or imposing a tax cap—are required to be voted on in open town meeting, where there is ample opportunity for explanation of what the change will mean for the town. Adoption of SB 2 is a fundamental, earth-shaking change in how the legislative body operates; it is a far more significant change than adoption of a budget committee or a tax cap, and it ought to be treated that way. A huge, and likely permanent, change in how town meeting operates should be based on thorough discussion and debate, not on the whims or guesses of voters who have a few seconds to make up their minds about a question they are seeing for the first time.

NHMA’s members voted overwhelmingly last September to make this a legislative policy. Please encourage your representatives, and members of the Municipal & County Government Committee, to support **HB 415**.

Restoration of State Retirement Contributions

On Wednesday the House Executive Departments and Administration Committee heard testimony on **HB 497**, an **NHMA policy bill** that proposes to reinstate a portion of the state retirement contribution toward the New Hampshire Retirement System (NHRS) costs for teachers, police, and firefighters. According to the bill’s fiscal note, local government (municipal, school, and county) retirement costs would decrease by approximately \$42 million in fiscal year 2020 and \$43 million in fiscal year 2021 with the 15 percent state contribution contemplated by this bill. To help put those amounts in perspective for each municipality, two charts were provided to the committee – one for police/fire and the other for teachers. These charts show the actual state contributions in fiscal year 2011, totaling \$44 million on a town-by-town basis, and provide a *reasonable estimate* of the impact **HB 497** would have in reducing retirement costs for each municipality.

Supporters of **HB 497** noted that the retirement contribution was a commitment the state had made to local governments as an incentive to join the retirement system, and that when the state retirement contribution was lowered from 35% to 30% in 2010, then to 25% in 2011, it was intended to just be a *temporary* measure to help the state weather the recession. NHMA provided the committee with a graph showing the employer rate increases from 2002 through 2021, specifically noting the large increases from 2011 to 2012 as a result of the elimination of the state's contribution.

The Executive Departments and Administration Committee is responsible for making a policy recommendation to the full House, and NHMA urged support of an Ought to Pass recommendation. If the House passes **HB 497**, the bill will likely be referred to the Finance Committee to consider the financial aspects (*i.e.*, how to pay for it). Please contact members of the Executive Department and Administration Committee and urge their support for **HB 497**.

SAG for Wastewater Projects

At a work session on Tuesday, Division I of the House Finance Committee voted to retain **HB 352**, relative to state aid grants (SAG) for wastewater projects, waiting to see how the grants are handled in the Governor's proposed budget, which is due to be presented to the general court on or before February 15. As reported in Legislative Bulletin #3, **HB 352**, an NHMA policy bill, would appropriate funds for 70 completed, or substantially completed, wastewater projects in 35 municipalities that would be eligible for state grants under RSA 486:1 but for the moratorium on state funding that has been in place since 2012. An identical bill has been filed in the Senate and awaits a bill number and hearing.

The New Hampshire Department of Environmental Services provided a list of SAG-eligible wastewater projects. Municipalities are encouraged to file a SAG pre-application or application *now* for all projects on this list, if they have not already done so, to confirm eligibility should this grant money become available. The SAG applications are available in the Grants Management Section of the department's wastewater engineering bureau website. Questions regarding SAG should be directed to Beth Malcolm at 603-271-2978 or Beth.Malcolm@des.nh.gov.

Property Tax Day

Tuesday, January 29, is property tax day in the House Municipal and County Government Committee (**LOB Room 301**), with the following bills dealing with exemptions, credits, and other property tax issues scheduled for hearings:

- **10:00 a.m. – HB 128** allows municipalities to adopt a full property tax exemption for veterans who have been determined by the United States Department of Veterans' Affairs to have a 100 percent service-connected total and permanent disability;
- **10:30 a.m. – HB 129** allows municipalities to establish a cap on the education property tax for residents age 65 and older if the property has been the taxpayer's primary residence for at least 5 years and no school-age child have resided there in the past 5 years;

(Property Tax Day — Continued from Page 5)

- **11:00 a.m. — HB 130** clarifies the property tax exemption for certain permanently and totally disabled veterans by incorporating the definition of permanent total disability in federal regulations;
- **11:30 a.m. — HB 144** requires notification to property owners regarding changes in assessed value resulting from the annual revised inventory;
- **1:00 p.m. — HB 207** allows municipalities to adopt an education property tax credit for individuals over age 55 who have no children in public school;
- **1:30 p.m. — HB 266** changes the residency requirement for the elderly exemption from 3 to 10 consecutive years, if so adopted by the municipality.

Bill Would Hobble Small-Town Boards

The House Municipal & County Government Committee voted 14-5 this week to recommend passage of **HB 143**, which would prohibit any person from serving on two or more town or city boards “if decisions of one are appealable to the other.” This means a member of a zoning board of appeals could not serve at the same time on the planning board, the historic district commission, or (in some towns) the board of selectmen.

We are concerned about the effect of this bill, especially on small towns, and we encourage the full House to reject the committee’s recommendation. We certainly agree that it is a *bad idea* for a ZBA member to serve simultaneously on one of the other boards, and we regularly advise local officials to try to avoid that situation if they can, because of the potential for a conflict. However, in the less-than-ideal world that we inhabit, many small towns—and even many larger ones—already have trouble finding volunteers to fill all of the positions on these boards. This bill would make it even harder.

NHMA proposed an alternative solution, which was to amend RSA 673:14, the statute addressing conflicts of interest for land use board members. The proposed amendment would explicitly require a land use board member to disqualify himself or herself when the matter in question is an appeal from another board and the member participated in the decision as a member of that board. This addresses the conflict problem without creating a new problem. Unfortunately, the majority of the committee rejected that proposal.

The bill also would set up a direct conflict with RSA 673:7, which explicitly allows one member of the planning board to serve on the ZBA (or any other land use board). If the bill passes, there will be two different answers to the question, “May someone serve simultaneously on the planning board and the ZBA?” That is an impossible situation; the legislature should not create that kind of confusion.

The full House is likely to vote on the bill in two weeks, on **Thursday, February 7**. We encourage small-town officials (and any others) to contact their representatives to explain the serious problems this bill will create. Please ask your representatives to ***vote down the committee recommendation and then support a motion of Inexpedient to Legislate on HB 143.***

A Blurb Ban!

We commented in these pages a few years ago about the anomaly that in an institution known for its formal, polite language—a recommendation to kill a bill is phrased as “inexpedient to legislate,” and a legislator is referred to as “the gentleman from Manchester”—one bit of colloquial language endured: “blurb.” That is the term that, for as long as anyone can remember, House members have used to refer to the committee report that is written for each bill and included in the House calendar. It has always struck the *Bulletin* editors as curious. After serious, careful consideration, a committee’s recommendation is described as something that sounds like a crude bodily function.

Now comes word that House leadership has asked members to remove “blurb” from their vocabularies. From now on, committee chairs will be asking, quite properly, “Who will write the report?” rather than “Who will write the blurb?”

Old habits die hard. As of this week, representatives were still “blurbing” and then apologizing. We expect this transition to take some time, but we believe it’s a worthwhile effort.

HOUSE CALENDAR

TUESDAY, JANUARY 29, 2019

EDUCATION, Rooms 210-211, LOB

- 1:30 p.m. **HB 713-FN-L**, relative to education funding.
- 2:15 p.m. **HB 711-FN-L**, relative to funding an adequate education.
- 3:00 p.m. **HB 709-FN-A-L**, relative to the formula for determining funding for an adequate education.

ELECTION LAW, Room 308, LOB

- 10:00 a.m. **HB 505**, allowing voters to vote for multiple candidates for an office.
- 10:30 a.m. **HB 531**, relative to the delivery of absentee ballots cast by elderly or disabled citizens.
- 11:00 a.m. **HB 556**, allowing municipalities to process absentee ballots prior to election day.
- 11:30 a.m. **HB 554**, relative to the duty of the moderator to verify the device count.
- 1:00 p.m. **HB 535-FN-L**, relating to early voting for persons aged 60 or older.
- 2:00 p.m. **HB 706-FN-A**, establishing an independent redistricting commission. **NHMA Policy.**

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 10:00 a.m. **HB 151**, relative to the definition of “agriculture.”
- 10:30 a.m. **HB 663**, relative to the definition of agriculture and existing agricultural uses.
- 1:45 p.m. **HB 617**, establishing a committee to study recycling streams in New Hampshire.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 10:00 a.m. **HB 387**, clarifying change of use occupancy classifications.
- 10:30 a.m. **HB 562**, relative to the state building code.
- 1:00 p.m. **HB 710-FN**, relative to adoption of state building code and fire code amendments.
- 1:45 p.m. **HB 524**, relative to child day care agencies compliance with local codes.
- 2:30 p.m. **HB 343**, relative to application of the state fire code to foster homes.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. **HB 128**, relative to a property tax exemption for disabled veterans.
- 10:30 a.m. **HB 129**, relative to property taxes for residents 65 years of age and older.
- 11:00 a.m. **HB 130-L**, relative to property tax relief for totally and permanently disabled veterans.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 11:30 a.m. **HB 144**, relative to changes in property assessments.
1:00 p.m. **HB 207**, allowing towns and cities to adopt a property tax credit against education taxes for certain persons over 55 years of age.
1:30 p.m. **HB 266-L**, relative to the elderly property tax exemption.
2:30 p.m. **HB 641-L**, allowing municipalities to collect an occupancy fee from operators of local room rentals. **NHMA Policy.**

TRANSPORTATION, Room 203, LOB

- 1:30 p.m. **HB 517-FN-L**, repealing municipal permits for registration of vehicles.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. **HB 686-FN-A-L**, relative to calculating and funding the interim cost of an opportunity for an adequate education and extending the interest and dividends tax to capital gains.
11:00 a.m. **HB 676-FN-A-L**, repealing the collection of the state education property tax.

WEDNESDAY, JANUARY 30, 2019

ELECTION LAW, Room 308, LOB

- 10:00 a.m. **HB 728-FN**, relative to ranked-choice voting.
11:00 a.m. **HB 593**, relative to updating official voter checklists.
11:30 a.m. **HB 603**, relative to procedures for apportioning electoral districts.
1:00 p.m. **HB 611-FN**, allowing voters to vote by absentee ballot.
1:30 p.m. **HB 643**, relative to the date of the state primary election.
3:00 p.m. **HB 718-FN-L**, relative to instant voting in elections.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 11:00 a.m. **HB 675-FN**, relative to the purchase of service credit in the state retirement system.
1:00 p.m. **HB 629-FN-L**, establishing a state defined contribution retirement plan for state and political subdivision members of the retirement system.
2:00 p.m. **HB 616-FN**, relative to a cost of living adjustment for retirees in the state retirement system.

JUDICIARY, Room 208, LOB

- 11:00 a.m. **HB 729-FN-A**, establishing a citizen's right-to-know appeals commission and a right-to-know law ombudsman and making an appropriation therefor.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

- 10:00 a.m. **HB 253**, relative to criminal records checks in the employee application process.
11:00 a.m. **HB 532**, relative to payment for earned but unused vacation or personal time.
1:00 p.m. **HB 272**, relative to temporary workers.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 1:30 p.m. **HB 415**, relative to the official ballot referendum form of town meetings. **NHMA Policy.**
2:00 p.m. **HB 469**, relative to limiting amendments to warrant articles in towns that have adopted official ballot voting.
2:30 p.m. **HB 553**, relative to the amendment of petitioned warrant articles.
3:00 p.m. **HB 618-L**, relative to the definition of contracts relative to official ballot default budgets.

(House Calendar— Continued from Page 8)

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

11:15 a.m. **HB 635-L**, enabling a payment in lieu of taxes for a combined heat and power agricultural facility.

WAYS AND MEANS, Room 202, LOB

11:00 a.m. **HB 700**, relative to valuation of utility company assets for local property taxation.

SENATE CALENDAR

TUESDAY, JANUARY 29, 2019

COMMERCE, Room 103, SH

1:15 p.m. **SB 59-FN**, adding post traumatic stress disorder and acute stress disorder to the definition of “injury” for purposes of workers’ compensation and reestablishing the commission to study the incidence of post-traumatic stress disorder in first responders.

1:45 p.m. **SB 99-FN**, relative to gainful employment and partial disability in workers’ compensation.

ENERGY AND NATURAL RESOURCES, Room 103, SH

11:40 a.m. **SB 202-FN-A**, establishing a stormwater management and flood resilience fund within the department of environmental services.

WEDNESDAY, JANUARY 30, 2019

ELECTION LAW AND MUNICIPAL AFFAIRS, Room 102, LOB

9:00 a.m. **SB 44**, relative to election procedures, delivery of ballots, and assents to candidacy.

9:45 a.m. **SB 45**, relative to electioneering at polling places.

10:15 a.m. **SB 69**, relative to short-term rentals. **NHMA Policy.**

10:45 a.m. **SB 153**, establishing state holidays for biennial state primary elections and quadrennial presidential primary elections.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 101, LOB

9:00 a.m. **SB 173-FN**, relative to criminal history background checks by employers and public agencies.

New 2019 House Bills

HB 539-FN requires that the secretary of state provide technical assistance to political subdivisions relating to the implementation of the One4all accessible voting system in municipal elections. Rep. Berrien of Exeter; **M&CG**. **This bill was erroneously listed as HB 529-FN in Bulletin #4.**

HB 603 establishes procedures and guidelines for apportioning electoral districts after the decennial census using a mathematical optimization process. Rep. Knirk of Freedom; **EL**.

HB 617 establishes a committee to study recycling streams in New Hampshire. Rep. Ebel of New London; **E&A**.

HB 706-FN-A establishes an independent redistricting commission. **NHMA Policy.** Rep. M. Smith of Durham; **EL**.

HB 707 requires that costs recovered from damages awarded in cases of hazardous waste clean up after expenditures from the drinking water and groundwater trust fund be deposited in such fund. Rep. Notter of Merrimack; **RR&D**.

HB 709-FN-A-LOCAL increases the base per pupil cost for an adequate education; increases differentiated aid available to eligible pupils; establishes fiscal capacity disparity aid to municipalities based on equalized valuation per pupil; requires school districts to report on the use of adequate education grant funds; amends the law governing transportation of pupils in kindergarten through grade 12; and repeals stabilization grants to municipalities. Rep. Ladd of Haverhill; **EDUC-H**.

HB 710-FN revises the procedure for amendment to the state building code, requires the state building code review board to maintain a publicly accessible list of applicable building codes and amendments, and exempts amendments to the state fire code that are adopted as emergency rules from rulemaking requirements under RSA 541-A. Rep. McGuire of Epsom; **ED&A-H**.

HB 711-FN-LOCAL deletes stabilization grants, increases the base adequacy aid per student, and clarifies the consumer price index adjustment to the cost of an adequate education. Rep. Fellows of Holderness; **EDUC-H**.

HB 713-FN-LOCAL amends the education funding formula. Rep. Weyler of Kingston; **EDUC-H**.

HB 718-FN-LOCAL provides for instant voting in presidential primary elections. Rep. Komi of Manchester; **EL**.

HB 722-FN permits the sale of marijuana from locally-permitted marijuana retail establishments to person 21 years of age or older without criminal penalty. Rep. Hunt of Rindge; **CJ&PS**.

HB 724-FN bans credit checks for any employment-related decisions, requires employers to allow a certain amount of rest between work shifts, gives employees advance notice of work schedules, and increases the minimum hourly rate of tipped employees to the minimum hourly rate for all employees. Rep. Read of Newmarket; **LABOR**.

HB 728-FN establishes procedures for ranked-choice voting for federal and state offices. Rep. Read of Newmarket; **EL**.

HB 729-FN-A establishes the citizens' right-to-know appeals commission and the office of the right-to-know ombudsman, and establishes an alternative process to resolve right-to-know complaints. Rep. Weyler of Kingston; **JUD-H**.

HB 731-FN increases the state minimum hourly rate for employees and allows a municipality to establish a minimum hourly rate that is greater than the state minimum hourly rate. Rep. Schultz of Concord; **LABOR**.

HB 734-FN-LOCAL suspends the 4 percent annual reduction in stabilization grants for 2 years. Rep. Abbott of Hinsdale; **F-H**.

New 2019 Senate Bills

SB 47 limits the number of inspectors of election at each polling place to 2 for each major political party, disqualifies certain inspectors of election from performing the duties of an election officer, and permits certain inspectors of election to handle marked ballots and count votes. Sen. Gray of Rochester; **EL&MA**.

SB 54-FN exempts certain licensed fuel distributors from obtaining a surety bond for road toll liability. Sen. Bradley of Wolfeboro; **TRANS-S**.

SB 56 establishes a committee to study motor vehicle registrations of active duty military personnel. Sen. Carson of Londonderry; **TRANS-S**.

SB 59-FN adds post-traumatic stress disorder and acute stress disorder to the definition of “injury” for purposes of workers’ compensation and reestablishes the commission to study the incidence of post-traumatic stress disorder in first responders. Sen. Birdsell of Hampstead; **COM-S**.

SB 60 requires employers with 15 or more employees in this state to provide employees with advance notice of the work schedule. Sen. Fuller Clark of Portsmouth; **COM-S**.

SB 69 defines and enables towns to license and regulate short-term rentals. **NHMA Policy**. Sen. Fuller Clark of Portsmouth; **EL&MA**.

SB 74-FN-A increases the fee assessed in addition to register of deeds recording fees used to support the land and community heritage investment program. Sen. Fuller Clark of Portsmouth; **ENR**.

SB 77-FN clarifies the process for a defendant in an animal cruelty case to post a bond for the cost of care of the animals after conviction in order to retain a legal interest in the animals through an appeal process. Sen. Bradley of Wolfeboro; **ENR**.

SB 79 requires towns to report certain information to the department of environmental services relative to solid waste reduction. Sen. Feltes of Concord; **ENR**.

SB 84-FN-A makes an appropriation to the department of health and human services to expand homeless services. Sen. Rosenwald of Nashua; **F-S**.

SB 95-FN establishes a working families property tax refund program for a portion of state education property taxes paid by taxpayers who claimed the federal child and dependent care tax credit pursuant to Internal Revenue Code Section 21. Sen. Cavanaugh of Manchester; **W&M-S**.

SB 99-FN clarifies the definition of gainful employment for purposes of workers’ compensation, and clarifies compensation for temporary partial disability and permanent partial disability. Sen. Cavanaugh of Manchester; **COM-S**.

SB 100 prohibits discrimination in employment based on criminal background checks. Sen. Feltes of Concord; **COM-S**.

SB 103-LOCAL permits towns to issue multi-town bonds for any project. Sen. Dietsch of Peterborough; **EL&MA**.

SB 104-LOCAL provides for the postponement of town, city, village district and school district elections in the event of a winter storm warning, blizzard warning, or ice storm warning. Sen. Gray of Rochester; **EL&MA**.

SB 113 requires the building code review board to review and approve local amendments to the state building code, requires the fire marshal to review and approve local fire safety codes and ordinances, and prohibits municipalities from imposing a fee to appeal the decision of a code compliance official. Sen. Carson of Londonderry; **ED&A-S**.

SB 122-FN increases the amount from the sale of carbon allowances that is distributed to municipalities and school districts for energy efficiency projects. Sen. Fuller Clark of Portsmouth; **ENR**.

SB 134-FN modifies the definitions applicable to the meals and rooms tax and clarifies provisions of the meals and rooms tax law administered by the department of revenue administration. Sen. Giuda of Warner; **W&M-S**.

SB 146-FN eliminates the waiting period before eligibility to receive unemployment benefits. Sen. Feltes of Concord; **COM-S**.

SB 148 requires an employer to provide written notice to any person hired for employment with the state or any of its political subdivisions regarding the employee's constitutional right to decide whether to join a union and the estimated annual cost to the employee of joining a union. Sen. Giuda of Warren; **COM-S**.

SB 149 provides for the voluntary application of the uniform prudent management of institutional funds act to certain charitable trusts. Sen. Carson of Londonderry; **COM-S**.

SB 151-FN establishes an administrative hearing procedure and penalty for employers who fail to make payment of wages as required by law and for employers who fail to secure required workers' compensation coverage. Sen. Feltes of Concord; **COM-S**.

SB 152 requires that planning boards that mandate third party inspection during construction processes develop a scope for the inspection and solicit inspection proposals from multiple bidders before selecting an inspector. Sen. Kahn of Keene; **EL&MA**.

SB 153 establishes state holidays for biennial state primary elections and quadrennial presidential primary elections. Sen. Kahn of Keene; **EL&MA**.

SB 154 enables municipalities to adopt a credit against property taxes assessed on certain workforce housing. Sen. Bradley of Wolfeboro; **EL&MA**.

SB 157 requires that any inspectors of election appointed by selectmen to fill unappointed inspector positions shall be made in equal numbers from both major political parties and from undeclared voters. Sen. Levesque of Brookline; **EL&MA**.

SB 158 clarifies authorization to pay for town or city membership in a nonprofit, nonpartisan organization of cities and towns, and prohibits the recipient of a grant or appropriation of county or

municipal funds from using such funds to engage in lobbying activities. Sen. Giuda of Warren; **EL&MA**.

SB 159 increases the electric generating capacity of customer generators that may participate in net energy metering and modifies the transition of tariffs applicable to certain customer-generators. **NHMA Policy**. Sen. Bradley of Wolfeboro; **ENR**.

SB 163 requires the department of environmental services to act upon a permit application for a solid waste facility no later than 180 days after the application is deemed complete. Sen. Carson of Londonderry; **ENR**.

SB 164 establishes a committee to study the long-term sustainability of the drinking water and groundwater trust fund. Sen. Chandley of Amherst; **ENR**.

SB 169 requires costs that are recovered from damages awarded in cases of hazardous waste clean up after expenditures from the drinking water and groundwater trust fund to be deposited in such fund. Sen. Morse of Salem; **F-S**.

SB 171-FN-A appropriates money to the drinking water and groundwater trust fund. Sen. Morse of Salem; **F-S**.

SB 202-FN-A establishes a stormwater management and flood resilience fund within the department of environmental services. Sen. Watters of Dover; **ENR**.

SB 204 modifies the regulation of distributed energy resources of electric utilities, provides for electric consumer energy storage systems, and enables municipalities to adopt a property tax exemption for electric energy storage systems. Sen. Watters of Dover; **ENR**.

SB 221 establishes a commission to study revenue alternatives to the road toll for electric-powered and hybrid vehicles for funding improvements to roads and bridges. Sen. Starr of Franconia; **TRANS-S**.

SB 229-FN requires the secretary of state to perform audit recounts of towns and wards representing 5 percent of the votes cast after each general election. Sen. Fuller Clark of Portsmouth; **EL&MA**.

SB 238-FN provides for a no-fee municipal permit to register a motor vehicle owned by any veteran who is a former prisoner of war, was awarded the Purple Heart medal, or survived Pearl Harbor. Sen. Birdsell of Hampstead; **TRANS-S**.

SB 243-FN increases the income limitations for applications for the low and moderate income homeowners property tax relief program, and provides for adjustment of the limitations according to the Consumer Price Index. Sen. Morgan of Brentwood; **W&M-S**.

2019 NHMA UPCOMING EVENTS FOR MEMBERS	
Feb 13	Webinar: Something's in the Air: Outdoor Wood Boilers and Open Burning Regulations
Feb 16	2019 Moderators Workshop for Traditional Town Meeting
Mar 13	Webinar: The Right-to-Know Law and Governmental Records
<p>To register for an upcoming event, go to our website: www.nhmunicipal.org and scroll down on the left under CALENDAR OF EVENTS. Click on the green bar <i>View the Full Calendar</i> and go to the workshop or webinar you are interested in. For more information, please call NHMA's Workshop registration line: (603) 230-3350.</p>	