

AGENDA
BOARD OF SELECTMEN
August 20, 2018 AT 6:30 PM
TOWN HALL, PAULSEN MEETING ROOM

- I. CALL TO ORDER
- II. CITIZEN COMMENT
- III. SCHEDULED MEETINGS:
 - a. Public Hearing Smoking Ordinance
- IV. OLD BUSINESS:
- V. NEW BUSINESS:
 - a. Bonding for work on a Class VI Road
 - b. NHMA Legislative Policies
 - c. Resignations
 - d. Manifest/Abatements
 - e. Minutes 8/6/18
- VI. TOWN ADMINISTRATOR REPORT
- VII. COMMITTEE REPORTS
- VIII. OTHER/CITIZEN COMMENT
- IX. NON PUBLIC SESSION
- X. ADJOURN

CHAPTER 52

Prohibited Smoking

[HISTORY: Adopted 8/20/2018 BOS Meeting]

§ 52-1 Title.

This bylaw shall be known as "an ordinance relative to prohibiting smoking at Memorial Field.."

§ 52-2 Definitions.

The following words, terms and phrases have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Smoking or use of tobacco products and equipment – Using tobacco products or equipment to produce the effect of smoking or for the intended purpose of the particular tobacco product or equipment.

Tobacco equipment – Any product or device that is intended to deliver or facilitate delivery of tobacco products for the use by one or more persons. Such equipment includes but is not limited to bowls, pipes, chimneys, e-cigarettes, rolling paper or other assistive devices.

Tobacco products – Any product made fully or in part of tobacco or natural synthetic material intended to simulate tobacco, the intended use of which is smoking or inhaling. Such products include, but are not limited to, cigarettes, cigars, pipe tobacco, or any other tobacco or product that simulates tobacco.

§ 52-3 Use prohibited

- A. Use of all tobacco products and equipment is prohibited anywhere at Memorial Field.
- B. Any person who is found to have violated the provision of this ordinance shall be subject to a fine in the amount of \$25 for the first offense, \$50 for the second offense, and \$100 for the third offense and subsequent offenses.

8/20/18

Elaine Wesson

From: legalinquiries [legalinquiries@nhmunicipal.org]
Sent: Friday, April 11, 2014 10:12 AM
To: ewesson@pembroke-nh.com
Subject: Pembroke: Loggers vs Road Bonds

Ms. Wesson,

Here are the two statutes you need. First, RSA 236:10 does not say that a logging operation cannot be required to post a bond. It does say that if a bond is needed, all truckers using the road should post the bond, not just the loggers. Depending on the location, if the loggers are the only trucks on the road, they can be bonded. If others use the road, it become more difficult to impose the requirement.

The second is the civil liability damage statute. To assert liability, they have to be reasonably determined to be the ones who caused the problem. This is a matter of proof to be worked out with the road agent and the police department.

236:10 Regulations; Bond. – The person or entity giving such written permission may make rules and regulations to govern the excavation and restoration of such highway and may require that a bond satisfactory to such person or entity be furnished to the state, city, or town providing for the satisfactory restoration of the highway. The bond requirements shall be equitably and reasonably applied to other bonded vehicles using the highway. The type of commodity being transported shall not be the determining factor for requiring a bond or the dollar amount of the bond. The person or entity providing the bond shall determine the type of bond furnished and it may be in the form of cash, letter of credit from a bank or lending institution licensed in New Hampshire and acceptable to the person giving written permission, or a bond furnished by an insurance company. The person or entity granting permission shall not arbitrarily withhold funds from any cash bond or letter of credit, but shall first make a good faith effort to resolve any differences with the contractor doing the excavation or restoration.

236:39 Civil Liability. – If any person, without authority, shall place any obstruction in a highway, or cause any defect, insufficiency, or want of repair of a highway which renders it unsuitable for public travel, he or she shall be liable to the state for all damages to the highway, including replacement costs of protective barriers, when maintained by the state, or to the municipality for all damages to a highway, including replacement costs of protective barriers, when maintained by the municipality, and for all damages and costs which the state or municipality shall be compelled to pay to any person injured by such obstruction, defect, insufficiency, or want of repair as established through an appropriate contribution claim or under the rules of joint and several liability.

Sincerely,

Paul Sanderson
 Staff Attorney
 NH Municipal Association
 25 Triangle Park Drive
 Concord, NH 03301
legalinquiries@nhmunicipal.org
 Tel: (603) 224-7447 or
 1-800-852-3358, press 3 (or x3408)

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4/11/2014

CHAPTER 198
Town of Pembroke

DRIVEWAYS – Other References:

Amended: 6/24/14, 08/26/08

-
- A. Temporary driveways shall require a permit from the Public Works Director.
 - B. No more than one (1) temporary driveway shall be permitted per lot.
 - C. Temporary driveway permits are valid for a period of six (6) months. The Public Works Director may, at his discretion, extend that permit for a six (6) month period and require a five (5) foot paved apron to protect the town roadway.
 - D. Temporary driveways used in conjunction with construction or other activities on Class V and VI roads, or better, shall be required to post a bond, letter of credit, or other surety in the amount no less than \$5,000.00 in order to ensure that any damage done to public streets is covered. The Public Works Director has the final authority to determine the amount of the financial guarantee required and the form of the surety. **Amended 6-24-14.**
 - E. Access points and ways created from the installation and use of a temporary driveway shall be closed and the land area restored to a natural state according to the requirements set forth by the Public Works Director. **Added 6-24-14.**
 - F. The Town reserves the right to use the Town Engineer to review and approve any restoration plans as well as perform inspection services for the restoration at the expense to the property owner. **Added 6-24-14.**
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ARTICLE IV Administrative Procedures

§ 198-13. Establishment of fees.

It shall be the responsibility of the Board of Selectmen to establish a fee for a driveway permit pursuant to these regulations. Once adopted that fee schedule shall be considered part of these regulations.

§ 198-14. Collection of fees.

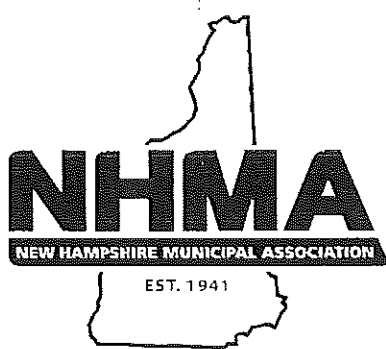
It shall be the responsibility of the Public Works Director to collect the appropriate fee for all driveways within the Town of Pembroke. In the absence of the Public Works Director it shall be the responsibility of the individual issuing the driveway permit to collect the fee.

§ 198-15. Driveway approval.

A completed driveway must be approved by the Public Works Director prior to the issuance of a certificate of occupancy for new construction or final acceptance for existing construction.

§ 198-16. Enforcement.

The Public Works Director is charged with enforcing the provisions of this chapter.



RECEIVED
JUN 21 2018
TOWN OF
PEMBROKE, NH

Memorandum

TO: All NHMA Members

FROM: Judy Silva, Executive Director
Cordell A. Johnston, Government Affairs Counsel

DATE: June 20, 2018

RE: 2019-2020 Legislative Policy Process *Important Dates!*

FLOOR POLICIES DUE: August 10 ♦ **POLICY CONFERENCE: September 14**

The NHMA legislative policy process is moving forward! Enclosed with this memo is a copy of the policy recommendations made by NHMA's three policy committees. This document will also be posted on NHMA's website, www.nhmunicipal.org.

The policy recommendations are listed by committee: (1) General Administration and Governance; (2) Finance and Revenue; and (3) Infrastructure, Development, and Land Use. Each committee's recommendations are listed in order of priority, as "action," "priority," or "standing" policy recommendations. Also enclosed is a list of NHMA's Legislative Principles, which will be considered for re-adoption at the Legislative Policy Conference, along with the recommended policies.

We urge each municipality's governing body, prior to the Legislative Policy Conference, to vote a position on the recommendations and floor proposals (see reverse) to provide direction to your voting delegate at the conference. Otherwise, your delegate is free to cast your municipality's vote as he or she chooses. For more information about the legislative policy process and the Legislative Policy Conference, please see the enclosed Questions and Answers document.

NOTE: Please do not send your governing body's vote results or opinions to NHMA. Your governing body's discussions and votes are only for the direction of your voting delegate. The only

way a municipality may vote on these policies is to send a voting delegate to the policy conference on September 14.

Floor Proposals

The deadline for submitting floor proposals is **Friday, August 10**. A floor proposal will be accepted only if it is *approved by a majority vote of the governing body* (board of selectmen, aldermen, or council) of the town or city submitting the proposal, is submitted in writing, and is received **no later than August 10**. We will mail all floor proposals to each municipality so there will be an opportunity to take a position on them before the Legislative Policy Conference. Floor proposals should be in the same format as proposals submitted to the policy committees.

A floor policy proposal form has been included for your convenience, or you may find it on the NHMA website. (Go to www.nhmunicipal.org, click on "Advocacy," scroll down to "NHMA Policy-Setting Process," and click on the link to "2019-2020 floor policy proposal form.") To submit a floor proposal, please send it to NHMA, 25 Triangle Park Drive, Concord, NH 03301, or e-mail it to governmentaffairs@nhmunicipal.org.

Legislative Policy Conference

The 2019-2020 Legislative Policy Conference is scheduled for **Friday, September 14, 2018, at 9:00 a.m. at NHMA's office, 25 Triangle Park Drive in Concord**. We will include with the floor proposal mailing a card for each town or city to return indicating who has been appointed as the municipality's voting delegate.

Please call the Government Affairs Department at 800-852-3358 if you have any questions.

**New Hampshire Municipal Association
Legislative Policy Process 2019-20**

**Final Policy Recommendations for Legislative Policy Conference
September 14, 2018**

General Administration and Governance

Action Policy Recommendations

1. Funding for the Police Standards and Training Council

To see if NHMA will **SUPPORT** the continued operation of the New Hampshire Police Academy and the high-quality uniform training it provides for all law enforcement officers in the state, including municipal police officers, which aids in the delivery of quality policing services and interagency cooperation to the benefit of all citizens. As part of this, **to see if NHMA will SUPPORT** continued funding at the state level for the Police Academy and the Police Standards and Training Council. Local law enforcement agencies produce considerable funds through fines and penalty assessment monies which accrue to the State and are used for State purposes. Further, **to see if NHMA will OPPOSE** any increase in municipal costs for police officers to participate in the training, recognizing that municipalities now pay salary, benefits, and all employment-related costs for trainees while at the Academy, as well as providing staff and instructors at no cost to the Academy. **Existing policy, revised by the committee.**

2. Absentee Voting Expansion

To see if NHMA will **SUPPORT** allowing absentee voting without requiring a reason.

Explanation: At present, 27 states plus the District of Columbia permit absentee voting without requiring an excuse. Maine and Vermont are among the 27. Why not New Hampshire? People are kept from the polls because they are reluctant to say they are “disabled” (especially when they are just elderly) or otherwise find it difficult to vote in person. Voting should not require having to struggle with one’s conscience over whether they fit into one of the state-approved “legitimate” reasons for an absentee ballot. **Submitted by Gail Cromwell, Co-chair, Temple Select Board.**

3. Electronic Poll Books

To see if NHMA will **SUPPORT** legislation that would enable the use of electronic poll-books for municipalities, with funding coming from the HAVA funds made available to the New Hampshire Secretary of State by the United States Election Assistance Commission specifically for the purpose of improvement to the administration of federal elections in the state, as well as supporting legislative changes to statutes to make the use permissible under state laws. **Existing policy.**

Priority Policy Recommendations

4. Building Plans Under RSA Chapter 91-A

To see if NHMA will SUPPORT an amendment to RSA 91-A:5, IV to specifically add building plans/construction drawings contained within a building permit file and/or building plans/construction drawings submitted as part of a building permit application as an exempt record under the statute. **Existing policy.**

5. Municipal Regulation of Firearms

To see if NHMA will SUPPORT legislation that would allow for limited local authority regarding possession and use of firearms on municipal property.

- Legislation that would allow municipalities to regulate or limit the use of firearms on municipal property.
- Legislation that would allow municipalities to regulate the carrying of firearms by employees while they are performing the functions of their office or employment.

Explanation: Local governing bodies are best positioned to determine the most appropriate use of municipal land and the actions of their employees. **Submitted by Joan Dargie, Town Clerk, Milford, and revised by the committee.**

6. Welfare Lien Priority

To see if NHMA will SUPPORT legislation to give liens for local welfare payments arising under RSA 165:28 a higher priority position, so that those liens fall immediately after the lien for the first mortgage. **Existing policy.**

7. Municipal Departments and MV Information

To see if NHMA will SUPPORT legislation to make it clear that municipalities may obtain information about motor vehicles registered to an individual for all governmental purposes such as verifying asset levels when the individual is applying for general assistance or asset-based tax relief and in order to determine the ownership of vehicles for official purposes. **Existing policy.**

Standing Policy Recommendations

8. SB 2 Adoption Process

To see if NHMA will SUPPORT amending RSA 40:14, III, regarding adoption of the official ballot referendum (SB 2) form of town meeting, to provide that the question shall be voted on by ballot at the annual meeting, but shall not be placed on the official ballot.

Explanation: Adoption of the official ballot referendum form of town meeting is a fundamental change in a town's governance. It is an action that should be undertaken only after thorough discussion and debate, with an opportunity for the legislative body to be fully informed. Current law requires that the question be placed on the official ballot, so that it is voted on in the voting booth on election day, with no opportunity for discussion or debate. The statement of the question is simply, "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?" This provides almost no information about how the SB 2 form of meeting works.

Although the current law does require a public hearing on the question between 15 and 30 days before town meeting, those hearings are poorly attended, so the overwhelming majority of those voting on the question will have heard little or no discussion, and many of them will have a very poor understanding of the issue. Other matters of profound importance to town governance—such as establishing a budget committee and adoption of a tax cap—are voted on at the business session, rather than by official ballot. Adoption of SB 2 is an even more serious step and should be subject to at least a similar level of consideration. Discussion and debate at the business session will help to ensure that voters understand the issues better before voting on the question. **Submitted by Jim Belanger, Moderator, Hollis, and Frank Sterling, Selectman, Jaffrey.**

9. Allowing Towns to Adopt Ordinances Under City Statutes

To see if NHMA will SUPPORT legislation giving towns the same authority to adopt ordinances that cities have under RSA 47:17.

Explanation: State law (RSA 44:2, 47:1) gives cities all of the authority that towns have, but there is no reciprocal statute giving towns the authority that cities have. City councils have broad authority to adopt ordinances under RSA 47:17. Town ordinance authority is governed primarily by RSA 31:39, which grants more limited authority. There seems to be no logical reason for cities to have broader ordinance authority than towns. When towns want to exercise authority that cities already have, it is necessary to amend RSA 31:39 or add a new section in RSA 39. This policy would avoid that necessity and eliminate illogical distinctions between municipal ordinances, which are especially troublesome when a town is unable to adopt the same ordinance that the city next door has adopted. This would not eliminate all distinctions between cities and towns—just the difference between their respective ordinance powers. **Submitted by Tom Irving, Planning Director, Conway.**

10. Public Area "No Smoking" Local Option

To see if NHMA will SUPPORT legislation to authorize the designation of "No Smoking" zones in public areas by local option.

Explanation: Municipalities are charged with the responsibility for provision of the services and to ensure safe secure access to those services. Currently, some services may not be as accessible as they should due to the presence of smoke. There are also the associated costs in keeping areas litter free. The legislation would allow municipalities to define No Smoking zones in a way that meets the community's needs and would include the ability to implement them for health purposes.

Currently New Hampshire permits municipalities to enact ordinances for fire safety and sanitation purposes, but not health purposes, and New Hampshire's state smoking law preempts local

governments from doing so. Access to services is obstructed by the presence of smokers and their associated litter, and that litter might constitute a sanitation issue. The presence of smoke where non-smokers need to pass is objectionable and not supportive of a community's healthy community goal. Each community would have the opportunity for itself to enact local legislation on this issue. Submitted by Andrew Bohanan, Parks, Recreation, and Facilities Director, and Nancy Vincent, Library Director, Keene.

11. Public Notice Requirements

To see if NHMA will SUPPORT legislation to amend all public notice requirements to allow the choice of electronic notification and/or newspaper print, as well as posting in public places, for official public legal notification. Existing policy.

12. Appointment of Town Clerks or Town Clerk/Tax Collectors

Legislative Body: To see if NHMA will SUPPORT legislation to allow the legislative body to authorize the governing body to appoint town clerks and town clerk/tax collectors.

Charter Towns: To see if NHMA will SUPPORT legislation allowing towns that have adopted a charter under RSA chapter 49-D to determine how the town will choose its town clerk.

Existing policy, revised by the committee.

13. Consolidated Policy on Collective Bargaining Items

Evergreen Clause: To see if NHMA will OPPOSE legislation to enact a mandatory so-called "evergreen clause" for public employee collective bargaining agreements.

Binding Arbitration: To see if NHMA will OPPOSE mandatory binding arbitration as a mechanism to resolve impasses in municipal employee collective bargaining.

Right to Strike: To see if NHMA will OPPOSE a right to strike for public employees.

Mandated Employee Benefits: To see if NHMA will OPPOSE any proposals to mandate employee benefits, including any proposal to enhance retirement system benefits that may increase employer costs in future years, for current or future employees.

Contracted Services: To see if NHMA will SUPPORT legislation to give public employers greater flexibility to privatize or use contracted services.

Existing policy, revised by the committee.

14. Maintenance and Policing of State-Owned Property

To see if NHMA will SUPPORT legislation requiring the State to maintain and adequately support operations on state properties so those properties do not place undue burdens on the host municipalities. This would include legislation

- to enable municipalities to recover expenses of providing municipal services on state-owned property, such as policing relative to illegal activities and allowing municipalities to receive reimbursement/compensation from individuals engaged in the illegal activity; and
- to require the state to adequately maintain its property, including the removal/remediation of abandoned, deficient, hazardous, or blighted structures/facilities.

Existing policy, revised by the committee.

15. Independent Redistricting Commission

To see if NHMA will **SUPPORT** the establishment of an independent redistricting commission for the appointment of representative, senatorial, executive council, and congressional districts. **Existing policy.**

Finance and Revenue

Action Policy Recommendations

1. Use of RSA 83-F Utility Values

To see if NHMA will:

- a) **SUPPORT** legislation that clarifies, under RSA 83-F, that no determination of utility value by the Department of Revenue Administration can be used in any way by the utility taxpayer in any application for abatement of tax under RSA 76:16 or any appeal thereof under RSA 76:16-a or RSA 76:17;
- b) **OPPOSE** any mandate that calls for the exclusive use of the unit method of valuation in the appraisal of utility property, by either administrative or legislative action; and
- c) **SUPPORT** the continuing right of municipalities to use any method of appraisal upheld by the courts.

Revised by the committee to combine two existing policies.

2. New Hampshire Retirement System (NHRS)

To see if NHMA will **SUPPORT** the continuing existence of a retirement system for state and local government employees that is strong, secure, solvent, fiscally healthy, and sustainable, that both employees and employers can rely on to provide retirement benefits for the foreseeable future. Further, to see if NHMA will **SUPPORT** continuing to work with legislators, employees, and the NHRS to accomplish these goals.

To that end, to see if NHMA will:

- a) **SUPPORT** legislation that will strengthen the health and solvency of the NHRS, ensure the long-term financial sustainability of the retirement system for public employers, and consider options and alternatives that provide reasonable changes in contribution rates;
- b) **OPPOSE** any legislation that: 1) expands benefits and would result in increases to municipal employer costs; 2) assesses additional charges beyond NHRS board-approved rate changes on employers; or 3) expands the eligibility of NHRS membership to positions not currently covered;
- c) **SUPPORT** the restoration of the state's 35% share of employer costs for police, teachers, and firefighters in the current defined benefit plan and any successor plan;
- d) **SUPPORT** the inclusion of municipal participation on any legislative study committee or commission formed to research alternative retirement system designs and the performance of a complete financial analysis of any alternative plan proposal in order to determine the full impact on employers and employees; and
- e) **OPPOSE** any action to further restrict municipalities' ability to employ NHRS retirees in part-time positions, either through hours restrictions or through imposition of new fees/costs.

Existing policy, revised by the committee.

3. Expansion of Local Authority to Institute Fees

To see if NHMA will **SUPPORT** legislation that allows a municipality to exercise local control of non-property tax revenue streams with local legislative body approval to meet demands for services and/or infrastructure. Examples of such legislation may include such actions as: (a) allowing a municipal to adopt an additional surcharge under the meals and rooms tax on hotel occupancy within the municipality; and (b) allowing a municipality to increase the maximum optional fee for transportation improvements when collecting motor vehicle registration fees. **Existing policy, revised by the committee (existing policy supports a local option meals and rooms tax surcharge).**

Priority Policy Recommendations

4. Enforcement of Motor Vehicle Registration Laws

To see if NHMA will **SUPPORT** amending motor vehicle registration laws to strengthen the enforcement of those laws (through stepping up law enforcement and increasing penalties, including fines) to ensure collection of all state and local registration fees owed by New Hampshire residents.

Explanation: Municipalities are realizing a significant and growing annual revenue loss of motor vehicle permit fees and other fees, due to NH residents registering their automobiles, trucks and all other types of trailers through non-government agents in the State of Maine. Currently, RSA 261:140

only requires a \$100 fine for these violations, an insignificant amount when compared to the much greater savings a resident realizes when obtaining low-cost “multi-year” registrations (up to a 12-year period) through the State of Maine. Municipalities all over the state are vulnerable to online registrations. Businesses with fleets are specifically targeted. **Submitted by Portsmouth City Council.**

5. Lien for Uncollected Ambulance/EMS Billings

To see if NHMA will SUPPORT legislation to ensure the collection of unpaid bills for ambulance and other emergency services.

Explanation: Municipal EMS, unlike hospitals and home health care providers, have no remedy available for the collection of unpaid billing for ambulance service except through a collection agency (@33% fee) or small claims court. These mechanisms do not guarantee the municipality will be made whole and can be punitive to the responsible party when they can least tolerate it. Ambulance service has evolved dramatically from simply transporting individuals to the hospital. Today, early medical intervention significantly increases a patient’s survival probability; therefore municipal EMS is expected to provide costly basic and advanced life support before and during transport. Currently when faced with an unpaid ambulance billing, municipalities have to choose between sending the bill to collections, small claims court, or writing off the bill. Collections or small claims potentially exposes the responsible party to a burden at an inopportune time. To write off the debt unfairly places the financial burden on the taxpayers of the responding municipality. **Submitted by: Barbara Lucas, Town Administrator, and Neil Irvine, Selectman, Town of New Hampton.**

6. Ownership Name Changes

To see if NHMA will SUPPORT legislation requiring entities to file name changes and ownership changes at the registry of deeds to ensure that property taxes are assessed to the proper owner.

Explanation: Presently, name changes and property acquisitions by stockholders are not filed at the registry of deeds. Municipalities don’t know if ownership has changed, resulting in bills and other notices going to improper property owners. **Submitted by: Kathryn Temchack, Director of Real Estate Assessments, City of Concord**

7. Collection of Delinquent Taxes on Manufactured Housing

To see if NHMA will SUPPORT legislation to create a study commission to address municipal concerns regarding delinquent property taxes and/or municipal utility fees on manufactured housing on land of another. Such commission to include appropriate interested stakeholders. **Existing policy.**

8. Tax Exemptions for Charitable Organizations

To see if NHMA will SUPPORT creating a commission to study reimbursement through payments in lieu of taxes (PILOTs) for municipal services provided to exempt charitable properties, including charitable non-profit housing projects under RSA 72:23-k, and **SUPPORT** reimbursement from the state for the costs of municipal services provided to state-owned properties. **Revised by the committee to combine two existing policies.**

9. Clarification of Elderly Exemption, Prorating Disabled, Deaf and Blind Exemptions

To see if NHMA will SUPPORT

- a) Changes in RSA 72:39-a, 72:29, and 72:39-b to define “household income” for elderly exemption qualification consistent with the definition of “household income” used by the state in qualifying residents for the Low & Moderate-Income Homeowners Property Tax Relief Program under RSA 198:56-57 and Rev 1200; and
- b) Legislation prorating the disabled, deaf and blind exemptions under RSA 72:37, 37-b, and 38-b when a person entitled to the exemption owns a fractional interest in the residence, in the same manner as is allowed for the elderly exemption under RSA 72:41.

Revised by the committee to combine two existing policies.

Standing Policy Recommendations

10. Assessment Methodology for Big Box Stores

To see if NHMA will SUPPORT legislation clarifying the assessment methodology for big box stores if used and occupied for the purpose for which they were built. This methodology would not employ comparisons to “dark store” properties abandoned or encumbered with deed restrictions on subsequent use.

Explanation: Large box stores such as Walmart, Lowe’s, Home Depot, Target, etc. have been successful in other states in obtaining large assessment reductions by using comparable sales or rentals of abandoned or deed-restricted properties. **Submitted by: Kathryn Temchack, Director of Real Estate Assessments, City of Concord.**

11. Income Approach on Appeal

To see if NHMA will SUPPORT legislation that prohibits the use of the income approach by a taxpayer in any appeal of value if the taxpayer, after request by the municipality, has not submitted the requested information. **Existing policy.**

12. Charitable Definition and Mandated Property Tax Exemptions

To see if NHMA will OPPOSE legislation that expands the definition of “charitable” in RSA 72:23-/, unless the state reimburses municipalities for the loss of revenue. **Existing policy.**

13. Sale of Tax Deeded Property

To see if NHMA will SUPPORT amending RSA 80:89 to require proof that the municipality *sent* the required notice of impending tax deed rather than proof that the taxpayer actually *received* the notice. **Existing policy.**

14. State Revenue Structure and State Education Funding

To see if NHMA will **SUPPORT** asking the state to use the following principles when addressing the state's revenue structure in response to its responsibility to fund an adequate education:

- That revenues are sufficient to meet the state's responsibilities as defined by constitution, statute, and common law;
- That revenue sources are predictable, stable, and sustainable and will meet the long-term needs and financial realities of the state;
- That changes to the revenue structure are least disruptive to the long-term economic health of the state;
- That the revenue structure is efficient in its administration;
- That changes in the revenue structure are fair to people with lower to moderate incomes.

Further, to see if NHMA will **SUPPORT** legislation prohibiting retroactive changes to the distribution formula for adequate education grants after the notice of grant amounts has been given. **Existing policy.**

15. Changes to the Official Ballot Process and Default Budget

To see if NHMA will **OPPOSE** changes to the official ballot process (SB2) including changes to the calculation of the default budget, unless such changes are a local option presented to the legislative body for approval. **Revised by the committee (existing policy opposed any increase in the 60% bond vote requirement in SB 2 municipalities).**

Infrastructure, Development and Land Use

Action Policy Recommendations

1. Municipal Use of Structures in the Right-of-Way

To see if NHMA will **SUPPORT** legislation granting municipalities a designated space to use for any purpose, including leasing to a private entity, upon all poles, conduit, and other structures within the rights-of-way without paying make-ready costs. This includes a requirement that the owners of utility poles and conduit do the necessary work to make that space available. **Existing policy, revised by the committee.**

2. Municipal Authority to Adopt More Recent Codes

To see if NHMA will SUPPORT legislation enabling municipalities at their discretion to adopt more recent editions of national/international building and fire codes than the current state-adopted editions.

Explanation: Allowing municipalities to adopt current codes will promote best practices for health, safety, and welfare. **Submitted by Portsmouth City Council.**

3. Municipal Cooperation

To see if NHMA will SUPPORT legislation clarifying that municipalities and other political subdivisions may cooperate to perform together any functions that they may perform individually, including but not limited to providing services, raising revenue, constructing and maintaining infrastructure, and engaging in economic development efforts. **Existing policy.**

Priority Policy Recommendations

4. Regulation of Short-Term Rentals

To see if NHMA will SUPPORT legislation authorizing municipalities to regulate short-term rental of residential properties, including licensing requirements and health and safety protections. This should not be interpreted to limit existing authority to regulate such uses through municipal zoning ordinances and land use regulations.

Explanation: Municipalities across the country are increasingly forced to address problems associated with short-term rental of residential housing units, which are typically facilitated through the online platforms of AirBnB, VRBO, Home Away, and others. Problems arise often in single-family residential neighborhoods, in which transient residential occupancy introduces instability and conflict (e.g., noise complaints with no recourse other than to call the police).

Some jurisdictions have already addressed this through legislation, sometimes accompanied by comprehensive agreements with the online platform operators to submit to regulation. A related issue is whether the state is able to collect meals and rooms tax for such temporary uses, which are similar in some regards to B&B operations and hotels/motels. **Submitted by Ben Frost, Planning Board Chairman, Town of Warner.**

5. Highway Funding

To see if NHMA will SUPPORT a state transportation policy that ensures adequate and sustainable funding for state and municipal highways and bridges to promote safe and reliable transportation and corridors and economic development for the citizens of our state and for the travelling public. The policy should include:

- Maintenance of the proportionate share of the state highway fund that is distributed to cities and towns under current law;

- No further diversion of state highway funds for non-highway purposes; and
- Increased funding, which may include the state road toll, highway tolls, local option fees, user assessments, and other revenue sources as necessary.

Existing policy, revised by the committee.

6. Water Quality and Infrastructure

To see if NHMA will **SUPPORT** legislation that ensures adequate and sustainable investment to maintain or make necessary improvements to the state's critical water infrastructure (public drinking water, wastewater, and stormwater systems, and dams); that works to provide affordable water, wastewater, and stormwater services; that encourages regional and innovative solutions to water, wastewater, and stormwater issues; that supports decisions that rely on science-based standards; that supports local decision making; and that supports economic progress in the state while protecting public health and safety. **Combination of existing policies, revised by the committee.**

7. State Adoption of Building and Fire Codes

To see if NHMA will **SUPPORT** a policy encouraging the state to: (1) adopt updated editions of national/international building and fire codes; (2) streamline the code adoption process while facilitating examination of changes that benefit the state economy; (3) encourage training opportunities for local code enforcement personnel.

Explanation: Multiple versions of codes are confusing for all parties. The state's adoption of updated codes would simplify municipal decision making in scheduling code ordinance updates. The quality of enforcement varies significantly among municipalities due to different levels of experience and training. Better training would lead to more consistent enforcement. **Submitted by Portsmouth City Council.**

Standing Policy Recommendations

8. Current Use

To see if NHMA will **OPPOSE** any legislative attempt to undermine the basic goals of the current use program and **OPPOSE** any reduction in the 10-acre minimum size requirement for qualification for current use, beyond those exceptions now allowed by the rules of the Current Use Board. **Existing policy.**

9. Scientific/Technical Standards for Regulatory Legislation

To see if NHMA will **OPPOSE** regulatory legislation that is not based on relevant scientific and technical standards that are broadly accepted by peer review and feasibly achieved.

Explanation: In the past legislative session, bills were filed that attempted to supersede standards set by regulatory agencies without the applicable deliberation and processes associated with creating regulations. **Submitted by Portsmouth City Council.**

10. Land Use and Environmental Regulation and Preemption

To see if NHMA will **SUPPORT** legislation that (a) recognizes municipal authority over land use and environmental matters, (b) limits the establishment of comprehensive statutory schemes that supersede local regulation, and (c) recognizes that even when local environmental regulation is preempted, compliance with other local laws, such as zoning and public health ordinances and regulations, is still required. **Existing policy.**

11. Energy, Renewable Energy and Energy Conservation

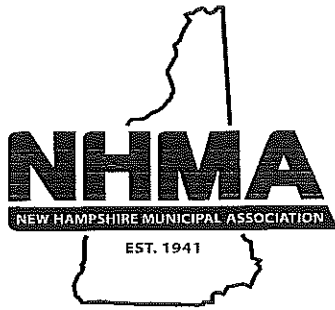
To see if NHMA will **SUPPORT** legislation encouraging state and federal programs that provide incentives and assistance to municipalities to adopt energy use and conservation techniques that will manage energy costs and environmental impacts, promote the use of renewable energy sources, and promote energy conservation, and **OPPOSE** any legislation that overrides local regulation. **Existing policy.**

12. Oppose Statewide Zoning Mandates

To see if NHMA will **SUPPORT** a policy recognizing the legislature's authority to establish statewide priorities in zoning and land use regulation, but **OPPOSE** legislation that limits reasonable local control in implementing those priorities, or that unreasonably mandates specific criteria that municipalities must follow. **Existing policy, revised by the committee.**

13. Conservation Investment

To see if NHMA will **SUPPORT** permanent funding for the Land and Community Heritage Investment Program and **OPPOSE** any diversion of such funds to other uses. **Existing policy.**



Legislative Principles

In addition to the established Legislative Policy positions adopted by the New Hampshire Municipal Association membership, the following principles should guide staff in setting priorities during any legislative biennium:

1. Consider unfunded mandate issues that violate Part 1, Article 28-a of the New Hampshire Constitution to be paramount. Identify them and oppose them.
2. Work to maintain existing revenue streams to municipalities, (i.e. revenue sharing, meals and rooms tax, highway, and other state aid). Be especially watchful of proposals to reduce local aid in order to meet other funding commitments.
3. Advocate to maintain existing local authority.
4. Support issues which provide greater authority to govern more effectively, efficiently and flexibly at the local level, including local option legislation. If the legislature is considering adopting a program that is particularly controversial at the local level, support a requirement that a local legislative body vote is necessary before full implementation of the measure.
5. Support bills proposed by individual municipal members, except when they conflict with these principles or other NHMA policies. Staff should prioritize time and resources when there are competing demands in order to focus on NHMA's broad agenda first.
6. Encourage exemptions from state taxes rather than local property taxes when legislative intent is to preserve statewide resources.
7. Advocate for municipal representation on all state boards, commissions, and study committees which affect municipal government and have non-legislative members.
8. Work cooperatively with other groups and associations to support efforts to improve the delivery of services at the local level.
9. Support municipal efforts toward effective regional cooperation and delivery of municipal services.
10. Support efforts to develop a statewide technology network that fosters increased communication and greater compatibility among levels of government and within and between agencies in all levels of government.

2019-2020 NHMA Legislative Policy Process

Questions & Answers

1. What is the purpose of establishing NHMA legislative policy? The New Hampshire Municipal Association (NHMA) is the voice of New Hampshire's cities and towns before the state legislature and state agencies. Adoption of legislative policy allows your municipal voice to be heard through the actions of your organization – NHMA. By adopting legislative policy, local officials can tell elected representatives what they feel are the major concerns of cities and towns.

The NHMA Board of Directors oversees NHMA's advocacy activities. Legislative policy positions direct the board and NHMA staff in representing municipalities before the legislature and state agencies.

2. How are legislative policy recommendations prepared? In the spring of each even-numbered year, NHMA forms legislative policy committees addressing different aspects of municipal government. The three committees this year are:

1. Finance and Revenue;
2. General Administration and Governance; and
3. Infrastructure, Development, and Land Use.

These three policy committees consider issues and problems derived from their own experience as local officials, issues sent in by other members or brought to them by staff, past policy positions, and issues resulting from the most recent legislative session. Each committee holds several meetings during the spring and develops policy recommendations to be voted on by member municipalities at the Legislative Policy Conference.

3. Who votes on adoption, amendment, or rejection of these recommendations, and when? On Friday, September 14, 2018, at 9:00 a.m., the 2019-2020 NHMA Legislative Policy Conference will be held at NHMA offices (25 Triangle Park Drive) in Concord. ***Each member municipality will be asked to appoint a voting delegate to cast its vote at this conference.*** Each member municipality, regardless of size, has one vote on all policy matters.

In the absence of any other designation by the board of selectmen, aldermen, or council, a voting delegate card will be issued at the door (in order of priority determined by the NHMA Municipal Officials Directory) to:

Mayor/Chair of Board of Selectmen/Council Chair

OR

Mayor Pro Tem/Vice or Assistant Mayor/Council Vice Chair

OR

Selectman/Alderman/Councilor

OR

City or Town Manager/Town Administrator/Administrative Assistant

4. Will other policy proposals be voted on at the conference? Yes, municipalities will have the opportunity to submit floor policy proposals for consideration at the conference. Each floor policy proposal must be approved by the governing body of the municipality submitting it, but the

proposals will not be reviewed or recommended by NHMA's legislative policy committees. Floor policy proposals will be voted on separately at the conference.

5. How does our voting delegate determine a position on these recommendations? We urge each municipality's governing body to discuss the recommendations in advance of the Legislative Policy Conference and vote to take a position on each one, in order to give direction to the voting delegate. Otherwise, your voting delegate is free to cast your municipality's vote as he or she desires. ***You do not need to notify NHMA of your positions on the policy recommendations; just provide that information to your voting delegate.***

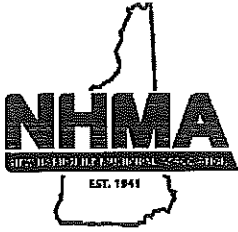
6. How are the policy recommendations presented and voted on at the Legislative Policy Conference? The chair of the board of directors, as the presiding officer of the Legislative Policy Conference, introduces the entire set of recommendations of each policy committee, one committee at a time, as a slate. The chair and vice chair of each committee will be available to address questions. Any voting delegate may ask that a recommendation be set aside to be debated and voted on separately. The remaining recommendations are voted upon as a slate. After the slate from each policy committee has been voted, the voting delegates will return to those items set aside for separate debate and vote. It is at this time that individual items can be killed, amended, passed over, laid on the table, etc. Votes are by a display of voting delegate cards.

7. Are policies adopted by a simple majority vote? No. NHMA's by-laws require a two-thirds affirmative vote of those members present and voting for approval of any NHMA legislative policy.

8. Why is the Legislative Policy Conference separate from the November annual meeting? The Legislative Policy Conference must be held before the annual conference to meet the legislative deadlines for the filing of new bills. The staff needs time after adoption of policies to draft bills and secure sponsors.

9. How will I know what policies are adopted if I don't go to the Legislative Policy Conference? The final 2019-2020 NHMA Legislative Policies will be printed as a supplement in the November/December 2018 issue of *Town & City* magazine. We will also post them on NHMA's web site at www.nhmunicipal.org.

10. What happens if an issue that is not covered by any of these policies comes before the legislature? The NHMA Board determines the position that the staff will advocate on issues not covered by specific NHMA legislative policies. The policy conference also endorses a set of Legislative Principles, which augment the specific legislative policy positions by setting forth general principles that guide staff in their advocacy efforts.



**New Hampshire Municipal Association
2019-2020 Legislative Policy Process**

Floor Policy Proposal

Submitted by (name) _____ Date _____

City or Town _____ Title of Person Submitting Policy _____

Floor Policy Proposal approved by vote of the governing body on (date) _____

To see if NHMA will SUPPORT/OPPOSE:

Municipal interest to be accomplished by proposal:

Explanation:

A sheet like this should accompany each proposed floor policy and should record the date of the governing body vote approving the proposal. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal, and an explanation which describes the nature of the problem or concern from a municipal perspective and discusses the proposed action which is being advocated to address the problem. Mail to 25 Triangle Park Drive, Concord, NH 03301; or email to governmentaffairs@nhmunicipal.org.
Must be received by August 10, 2018.



RECEIVED
AUG 14 2018
TOWN OF
PEMBROKE, NH

TO: Key Officials

FROM: Judy A. Silva, Executive Director
Cordell A. Johnston, Government Affairs Counsel

DATE: August 13, 2018

RE: 2019-2020 Legislative Policy Conference ~ Friday, September 14, 2018

Floor Policy Proposals

Enclosed please find copies of the floor policy proposals that have been submitted for discussion and vote at the NHMA Legislative Policy Conference. These supplement the policy recommendations prepared by the three legislative policy committees, which were mailed to each municipality on June 20, 2018. Delegates at the conference will vote on the policy recommendations and the floor policy proposals, along with NHMA's Legislative Principles. If you need copies of any of these documents, you can find them on the NHMA website, www.nhmunicipal.org. (Near the top of the home page, click on the "Advocacy" tab, then use the menu on the left to find "Legislative Principles," "2019-2020 Legislative Policy Recommendations," and "2019-2020 Floor Policy Proposals.")

Voting Delegate

Each member municipality has one vote at the policy conference. Each governing body is asked to appoint a voting delegate to cast the municipality's vote on the policy proposals presented. **We are sending a voting delegate card to the chief administrative officer in each municipality (or the governing body chair if no administrative staff) to return to us indicating the governing body's appointment for voting delegate.** Please mail this card back to us no later than Friday, September 7. See the Legislative Policy Process Questions & Answers document, also sent with the June 20 mailing and available on the NHMA website, for a description of who will have voting privileges for a municipality in the absence of any formal designation.

Policy Conference

The Legislative Policy Conference is scheduled for **Friday, September 14, 2018, at 9:00 a.m.** at NHMA's offices at **25 Triangle Park Drive** in Concord.

We urge the governing body of each municipality to discuss the full slate of policy recommendations, along with these floor proposals, and take a position on each proposal to give guidance to your voting delegate. ***Do not send your positions on the policy recommendations to NHMA; they are only for the guidance of your voting delegate, and each municipality can register its positions only by voting at the conference.*** At the conference, delegates may vote to approve, reject, amend, or table a policy proposal. They may also vote to change the order of priority of the various policies.

This is an important opportunity for each member municipality to participate in determining NHMA legislative policy for the 2019-2020 biennium—we count on your input! As always, please do not hesitate to call or e-mail (governmentaffairs@nhmunicipal.org) the Government Affairs Staff with any questions, comments, or concerns. We look forward to seeing you on September 14!

1

New Hampshire Municipal Association
2019 - 2020 Legislative Policy Process

RECEIVED
JUL 16 2018
NHMA

Floor Policy Proposal

Submitted by (name): Hudson Board of Selectmen

Date: July 10, 2018

City or Town: Hudson

Title of Person Submitting Policy:

Selectmen

Floor Policy Proposal approved by vote of the governing body on July 10, 2018

To see if NHMA will SUPPORT/OPPOSE:

To see if NHMA will support legislation to lower the abatement interest rate that municipalities pay from 6% to 4% (RSA 76:17-a) to better align it with the interest rate on delinquent taxes that were recently lowered by the NH Legislature.

Municipal Interest to be accomplished by proposal:

To align abatement interest paid by a municipality with the recent lowering of interest rates on delinquent property taxes.

Explanation:

Currently, after the timely payment deadline has passed on payment of property taxes, usually 30 days or more of grace time, 12% interest is charged, for a period of six (6) months, and then 18% interest is charged after those six (6) months. The NH Legislature and the Governor have passed into law, a significant decrease in the interest rate that is charged on late property tax bills. As of January 1, 2019, after the timely payment deadline has passed on payment on property taxes, 8% interest is charged, for a period of six (6) months and then 14% interest is charged. This proposal seeks to lower the interest rate on abatements paid by a municipality from 6% to 4% to better align with delinquent property tax interest rates.



2

New Hampshire Municipal Association
2019-2020 Legislative Policy Process

RECEIVED

JUL 24 2018

NHMA

Floor Policy Proposal

Submitted by (name) Jill White Date: July 23, 2018

City or Town Holderness Title of Person Submitting Policy Chair, Select Board

Floor Policy Proposal approved by vote of the governing body on (date) July 23, 2018

Submitted by (name) Brent T. Lemire Date: July 24, 2018

City or Town Litchfield Title of Person Submitting Policy Chair, Select Board

Floor Policy Proposal approved by vote of the governing body on (date) July 23, 2018

Submitted by (name) Rick Hiland Date: July 25, 2018

City or Town Albany Title of Person Submitting Policy Select Board - Chairman

Floor Policy Proposal approved by vote of the governing body on (date) July 25, 2018

Submitted by (name) David W. Swenson Date: July 31, 2018

City or Town New Durham Title of Person Submitting Policy Chair, Select Board

Floor Policy Proposal approved by vote of the governing body on (date) July 31, 2018

To see if NHMA will SUPPORT legislation clarifying that the Town Moderator has authority to postpone the official ballot voting session of town meeting in the event of severe weather or other emergency and establishing clear rules for addressing any practical issues involved in postponing the voting session.

Municipal interest to be accomplished by proposal: Preserve local control over elections and enable local officials to take necessary steps to protect public safety.



3

**New Hampshire Municipal Association
2019-2020 Legislative Policy Process**

RECEIVED

JUL 26 2018

NHMA

Floor Policy Proposal

Submitted by (name) Bedford Town Council Date July 18, 2018 City or Town
Town of Bedford Title of Person Submitting Policy Rick Sawyer, Town Manager

Floor Policy Proposal approved by vote of the governing body on (date) July 18, 2018

To see if NHMA will SUPPORT/OPPOSE: legislation that would allow municipalities to be able to regulate the use of outdoor watering on all properties.

Municipal interest to be accomplished by proposal:

The proposal would allow municipalities to place outdoor watering restrictions on all properties during drought conditions not just residential properties as currently permitted under RSA 41:11-d.

Explanation: During two of the last three years the State of NH has faced drought conditions and the State Department of Environmental Services has recommended that municipalities ban or limit the outside watering of lawns, car washing, etc. Currently RSA 41:11-d limits the ability to place such a restriction to only residential land. It is very challenging to enforce such a restriction on our residents when the commercial properties they drive by are watering their grass and it significantly reduces the potential replenishment of the aquifer that the restriction could bring. During the last legislative session HB173 came close to providing for this change with the House approving it 249-100, but it ultimately failed in the Senate.

A sheet like this should accompany each proposed floor policy and should record the date of the governing body vote approving the proposal. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal, and an explanation which describes the nature of the problem or concern from a municipal perspective and discusses the proposed action which is being advocated to address the problem. Mail to 25 Triangle Park Drive, Concord, NH 03301; or email to governanceaffairs@nhmunicipal.org.
Must be received by August 10, 2018.



4

RECEIVED

AUG 9 2018

NHMA

**New Hampshire Municipal Association
2019-2020 Legislative Policy Process**

Floor Policy Proposal

Submitted by (name) Robert Thibault Date August 9, 2018

City or Town Easton Title of Person Submitting Policy Selectman

Floor Policy Proposal approved by vote of the governing body on (date) July 30, 2018

Submitted by (name) Eric Meth Date August 9, 2018

City or Town Franconia Title of Person Submitting Policy Selectman

Floor Policy Proposal approved by vote of the governing body on (date) July 30, 2018

Submitted by (name) Margaret J. Connors Date August 9, 2018

City or Town Sugar Hill Title of Person Submitting Policy Select Board Member

Floor Policy Proposal approved by vote of the governing body on (date) 7/30/2018

To see if NHMA will SUPPORT/OPPOSE:

Support a bill that would clarify that the Site Evaluation Committee does not have jurisdiction over use of municipal roads by merchant utility projects.

Municipal interest to be accomplished by proposal: Maintain local control over municipal roads.

Explanation:

On Page 282 of the Site Evaluation Committee's March 30, 2018 written decision denying Northern Pass a certificate of site and facility the SEC explains why it believes it have the authority to supersede existing state law that gives the authority over control of use of municipal roads by utilities to the governing body of the municipality. Either the SEC has the authority to supersede municipal control over municipal roads or it doesn't. This needs to be made clear for all municipalities and for all future potential applicants to the SEC. While it is clearly stated in RSA 162:H (the authorizing statute for the SEC) that its authority supersedes local land use regulation, there is no reference at all to control over municipal roads. Municipalities are vulnerable to losing control over their own roads if this legal confusion is not cleared up.

David Jodoin

From: Dan Crean, Pembroke email <pbcdcc@comcast.net>
Sent: Tuesday, August 07, 2018 4:25 PM
To: 'David Jodoin'; 'JJ Smith'; 'Michael Crockwell'; 'Pentti J. Aalto'; 'Robert Samson '; 'Sharon Morris'
Subject: RE: Lightec

At last night's Selectmen's meeting, the Board voted to proceed with LighTec. Eversource will be in next week to meet with David to do paper work for rebates.

It now appears that the LED conversion project is set to proceed. Thanks to all of you for making it happen.

In accordance with my earlier emails, I would now like to resign from the Committee to focus on some personal matters my work on the Budget Committee. Please consider who you would like to serve as chair going forward.

Thanks,

Dan
Dan Crean
Pembroke

David Jodoin

From: CARLUCCI <taihi@comcast.net>
Sent: Thursday, August 09, 2018 8:32 AM
To: Ann Bond; Tina Courtemanch; Michael Crockwell; Vinnie Greco; David Jodoin; Sandy Hogan
Subject: 4/6 Union Street

The 4 Union Street project has aided the Town since 2005. An enormous amount of time was put into this project by Town and State entities. It was a time of forward thinking for committees like Economic Development and the Meet Me in Suncook Committee, led by supportive staff and Selectmen.

Even though things changed, Jocelyn and I were happy to oversee this project for 13 years. The unwillingness of this Board to take the time to validate parking information and look deeply into the benefits of this project has placed this property and Town at risk. To empower tenants to restrict public parking was unnecessary and only serves self-interest, not the good of the many. The parking was only one of the objectives of this project, but an important one.

Jocelyn and I will no longer be involved in this project, considering its recent state.

We have overseen most aspects of this property for 13 years and we have made ourselves available to the tenants 24/7. We will notify them that any future contact be with David Jodoin. Our suggestion would be for you to make sure that the tenants are able to contact someone 24/7 in case of any issues.

Sincerely,

Dana and Jocelyn Carlucci

Memorandum

To: David Jodoin, Town of Pembroke
From: Mike Vignale, KVPartners
Date: August 13, 2018
Re: **Weekly Construction Meeting – Roadway Improvement Project**
Cc: Attendees, Jim Boisvert and Reno Nadeau (DPW)

A weekly construction meeting was held at the site (Beacon Hill Road) on August 7, 2018. In attendance were John Barnes and Matt L'Heureux (Advanced), Brent Edmunds, Paulette Malo (Roads Committee), and Mike Vignale. Following is a summary of the discussions:

- Work was continuing up the hill on the drainage system. Additional clearing was completed. It is expected that drainage work will take at least two and half weeks and then pavement excavation/construction will begin.
- John indicated that some minor adjustments (2") were necessary to elevate the drainage system above the ledge.
- The arborvitaes at 332 Beacon Hill Road were discussed. Matt had explained to the property owner that Advanced would move the trees however John expressed concerns that the trees may not survive and was resistant to moving them. Paulette suggested telling the property owner that there would be no guarantee, but John refused to move the trees. Mike V said he would follow up with the property owner and Town Administrator about the issue. After speaking with the Town Administrator, the trees were scheduled to be relocated on Friday (10th) by a landscape company hired by the Town.
- Erosion near the pond was evident but not very severe considering the intensity of recent rainfall events. Some minor clean up is required in the basin to remove accumulated sediments. There was still standing water in the sediment basin which should be dry after about 3 days. We will reevaluate the basin's infiltration potential after a few dry days have occurred.
- As previously noted, Matt indicated that there were some additional trees that needed to be cut to allow room for the excavator to operate where the new drainage is proposed on the north side of the roadway. Mike V said that additional clearing would be fine if ornamental trees in front of residences were not affected. There is a wide right of way on that side and no clearing on private

property will be required. We agreed to only clear what was necessary for construction. Clearing has since been completed

- As previously noted, John indicated that there are some locations where the swale along the north side of the roadway may need adjustment. Mike V will review with John and make adjustments as necessary.
- As previously noted, Jim asked if the large dead tree on Upper Beacon could be removed. Matt said the cost would be about \$900 and Jim asked him to reconsider since the tree cutting company needed to remobilize anyway. Matt agreed to check on that again.
- As previously noted, Jim explained that one resident expressed concerns about their granite post mailbox (#314 Beacon Hill Road). It is understood that all mailboxes will be reset to their original condition.
- As previously noted, Jim indicated that the owner of 411 East View Road was concerned about her driveway. Mike V has since talked with her (Mrs. Montwill at 608-7658) about her concerns that include cars bottoming out at the new berm location. After the meeting Matt told Mike V that they would repair the driveway Thursday or Friday and Mike V passed that along to the property owner. Repairs have not been completed as of this morning.
- Next meeting will be held at 9:00 AM at Beacon Hill Road on Tuesday August 14th.

Memorandum

To: David Jodoin, Town of Pembroke
From: Mike Vignale, KVPartners
Date: August 9, 2018
Re: 4 Union Street Retaining Wall
Cc: Jim Boisvert, Reno Nadeau

There is a modular concrete block wall on the 4 Union Street property that has some deterioration. The Town is investigating various strategies for repairs and have asked us to evaluate the wall and make suggestions on how to proceed. Following is a summary of our findings:

We visited the site (see pictures below) in July and found the following:

Existing Conditions

- The wall supports a paved parking lot above and rests on an older concrete wall at the bottom.
- The wall is a modular concrete block wall with geogrids for structural support.
- There is deterioration of the blocks near the top of the wall. The Town replaced some of the blocks a few years ago near the top of the wall to repair similar deterioration. The Town did install a berm to direct stormwater from the parking lot away from the wall several years ago.
- There is significant deterioration at the bottom row of blocks. There was ground water flowing through the blocks at the interface between the blocks and concrete wall below when we were there in late July. The wall was wet, but the weep holes were dry but appeared to be unobstructed.
- Some of the geogrids were exposed (where bottom blocks had deteriorated) and appeared to be in excellent condition.
- The Town received an estimate from Brian Locke, LLC to spray a mortar mix with a metal lath to cover the entire face of the wall.

Findings

- The wall line and grade are still very good indicating that the wall system (blocks and geogrids) are functioning as intended structurally.

- The deterioration near the top of the wall is consistent with salt damage. Installation of the berm probably helped reduce the amount of salt the wall is exposed to but the wall is certainly still exposed to salt during the winter.
- The constant flow of groundwater at the bottom of the wall is probably a contributor to the deterioration of the bottom row of blocks. It appears that the groundwater accumulates behind the concrete wall below the modular block wall and the flows along the top of the concrete wall under and the bottom row of blocks. The constant flow of water keeps the bottom blocks wet which is the likely cause of the deterioration. Note that the blocks above appear to be in excellent condition.

Options

- Covering the wall with a mortar mix and metal lath will cover the problem but not repair it. Furthermore, the mortar mix will probably trap more water further exacerbating the problem. We do not recommend this treatment.
- Repair options include the following:

Option 1 – Repair Existing Wall

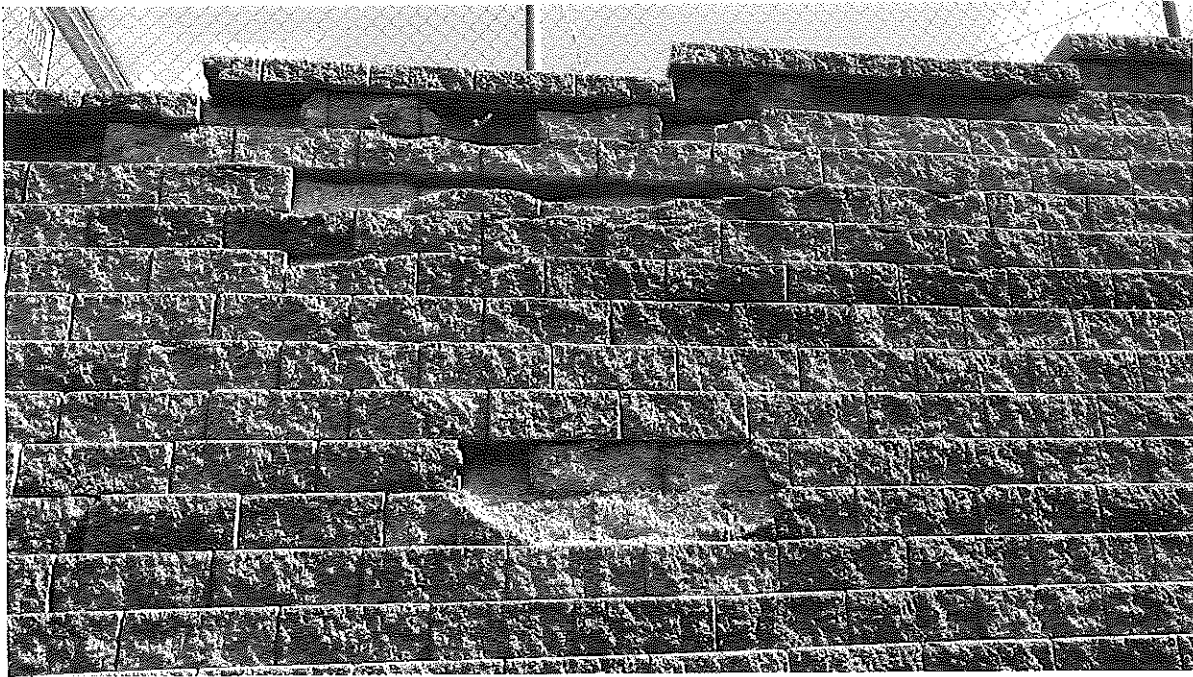
- Excavate and replace the deteriorated blocks near the top of the wall being careful to remove and replace the geogrids.
- Remove deteriorated portions of the bottom row of blocks by hand. Install a new reinforced concrete wall (8" minimum thickness) in front of the older concrete wall at the base of the block wall that extends up to the second row of blocks and tie the new wall into the existing wall by drilling and grouting rebars into the existing concrete. This should support the block wall and divert groundwater flow into the weep holes limiting further deterioration. However, without being able to view the back of the existing deteriorated blocks it is impossible to determine just how much deterioration has occurred. An easement may be required.

Option 2 – Complete Reconstruction

- Remove and replace the entire wall. If this option is selected a waterproofing membrane must be installed or weep holes drilled through the existing wall to ensure groundwater flow along the bottom row of blocks is eliminated.

Conclusions

- Option 1 will repair the wall but there is uncertainty in the long-term performance of the option due to the lack of access to the back of the wall to evaluate and remove damaged blocks. So, there is some risk associated with this repair option, however, this option will be considerably less expensive than Option 2.
- Option 2 will correct the problem long term but may be more work than is necessary considering many sections of the wall are still in good condition. Any new blocks installed and existing blocks remaining should be sealed with a concrete sealer per block wall manufacturer's recommendations.



Deterioration near top of wall



Deterioration at bottom of wall

David Jodoin

From: James Garvin <james@jamesgarvin.net>
Sent: Thursday, August 09, 2018 2:40 PM
To: David Jodoin
Subject: Stewardship plan
Attachments: Pembroke-Suncook Village Clocktower Stewardship Plan.docx; Suncook Minutes155.doc

David,

I'm attaching the plan that we drafted in 2012 when we applied for an LCHIP grant for work on the clocktower. We didn't receive the grant.

LCHIP requires grant recipients to draft a stewardship plan when applying for a grant, and to adopt the plan if a grant is awarded. Since we didn't receive the grant, this document is a draft, never adopted.

At the last meeting of *Meet Me in Suncook*, Gerry Belanger mentioned setting up a capital reserve account for the clocktower to cover future expenses, including annual inspection and maintenance. I'm attaching these minutes with Gerry's comments highlighted. I realize that it may be late in the CIP cycle to suggest this for next year.

I hope that this is helpful.

Jim

On August 9, 2018 at 9:43 AM David Jodoin <djodoin@pembroke-nh.com> wrote:

Good Morning Jim,

I received an email from Dana Carlucci and the stewardship plan was not attached. Can you send that to me please. I do know that the Board discussed this years ago based on Target's maintenance proposal.

Thanks

david

PEMBROKE—SUNCOOK VILLAGE CLOCKTOWER RESTORATION

STEWARDSHIP PLAN

How stewardship will be undertaken over the long term

The town of Pembroke has been a responsible steward of the Suncook Village Clocktower and public clock since it acquired a 99-year renewable lease on the tower in 1998 and voted at town meeting in 2000 to appropriate town funds for its rehabilitation. With guidance from the New Hampshire Division of Historical Resources and from the non-profit volunteer *Meet Me in Suncook* committee, the town administration has monitored the tower and expended municipal funds whenever the need for further work has been identified. At present, maintenance of the clock and clocktower is funded from the General Government Buildings Account (Account No. 4194) of the Pembroke Town Budget. The commitment to treat the clocktower as a budgeted municipal responsibility is expected to continue for the duration of the lease unless a special account is established for future care of the property (see below).

Stewardship of the clock is accomplished by regular inspection and maintenance of the mechanism by the contractor who reactivated the clock during clocktower restoration in 2001. General maintenance of the tower is the responsibility of the Public Properties Division of the Pembroke Public Works Department. The town has contracted with Target New England Historical Restoration of Alton, N. H., the contractors for rehabilitation in 2001, for periodic inspections and repair of the tower, as needed. Most recently, an inspection in June 2012 identified structural issues that were dealt with immediately by the town. Further recommendations deriving from the Target New England inspection are the subject of this grant proposal.

The Pembroke town administration has maintained liaison with *Meet Me in Suncook*, a nonprofit volunteer organization having members from both Pembroke and adjacent Allenstown, the two communities that share Suncook Village. *Meet Me in Suncook* has offered recommendations on application of the *Secretary of the Interior's Standards* in treatment of the tower. In 2009, for example, *Meet Me in Suncook* helped the town to identify a window preservation specialist who rehabilitated the original sashes in the upper story of the tower, below the clock (please see photographs), instead of replacing these sashes with new units. This relationship is expected to continue for the duration of the lease.

The extent of any existing or planned endowments or funds established for the purposes of perpetuating the resource, legal defense funds for easement holders, or similar funds designated for stewardship purposes

In the face of currently identified preservation needs of the tower, *Meet Me in Suncook* has met with the Pembroke Board of Selectmen and the Pembroke Capital Improvement Program (CIP) Committee to investigate the establishment of a dedicated capital improvement fund for maintenance of the clock and tower. These discussions are still underway. Meanwhile, the town accounts carry a small balance for maintenance of the tower, and *Meet Me in Suncook* maintains a program of “selling” minutes on the clock dials as a means of stimulating a sense of public ownership of the clock and of raising modest funds for its maintenance.

How resolution of any violations or encroachment of the deed or easement on the resource will occur and how such resolution will be paid for

The level of municipal stewardship of the Suncook Village Clocktower, described above, is expected to continue through the duration of the 99-year lease and through any renewals of the lease, preventing any neglect of the *Secretary of the Interior's Standards*. If the New Hampshire Land and Community Heritage Investment Program awards a grant for the rehabilitation of the clocktower, LCHIP will acquire a term preservation easement or stewardship agreement on the tower, requiring a regular maintenance schedule, monitoring, and inspection. Should a violation threaten the interests of the Town of Pembroke, as lessee, or those of the holder of a stewardship agreement, both parties will have recourse to legal remedy as defined in the LCHIP Sample "XX-Year Stewardship Agreement." The means by which resolution will be paid for should be defined in the stewardship agreement.

DRAFT

DRAFT

DRAFT

DRAFT

Suncook Minutes 155

MEET ME IN SUNCOOK!

Minutes of Meeting

July 10, 2018

Present: Marie Ayles, Noreen Bean, Gerald Belanger, Joyce Belanger, Melaine Boisvert (co-chair), Joan Bussiere, Jackie Clark, Norma Daviault, Ron Daviault (co-chair), James Garvin, Jeanne Letendre, Louise Letendre, Matt Roan.

1. Co-chair Melaine Boisvert called the meeting to order at the Perry Eaton Building on Union Street in Pembroke at 7:00 p.m.
2. On a motion by Gerald Belanger, seconded by Norma Daviault, the minutes of the meeting of June 5, 2018, were unanimously approved.
3. Noreen Bean gave the Treasurer's Report, as follows:

Checkbook balance on June 5, 2018:	\$7,728.52
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Expenditures:

U. S. Post Office Box rental, 6 months	\$37.00
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Pembroke Old Home Day Committee contribution (\$225 donation and \$75 Miniature Golf sponsorship)	300.00
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Reimbursement of 2018 dues payment by Louise Eaton (2018 dues canceled)	15.00
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Income: none

Checkbook balance on July 10, 2018:	\$7,376.52
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On a motion by Ron Daviault, seconded by Melaine Boisvert, the treasurer's report was unanimously approved.

4. Melaine reminded the committee that the Old Home Day theme for 2018 is "Remember When." She asked whether *Meet Me in Suncook* should provide greeters for Old Home Day in 2018. After some discussion, the committee decided not to provide greeters on a motion by Ron Daviault, seconded by Norma Daviault and approved unanimously.
5. The committee moved to a discussion of the future of *Meet Me in Suncook* given the small attendance at recent meetings. Melaine Boisvert observed that because of our uncertain future, the committee has paid our post office box rental only for six months. She noted that *Meet Me in Suncook* currently has no significant projects underway except for our participation in Old Home Day, thus offering relatively little to stimulate attendance at meetings.

Gerry Belanger suggested that we have three options: 1) to disband; 2) to find a project such as the future use of the Village School on High Street if a cooperative developer should step forward to purchase the property; 3) to maintain our existence as an organization, keep our post office box, but meet only at the call of the chair.

In response to the question of what would become of our current checkbook balance, Gerry suggested that we talk with the Trustees of Trust Funds about augmenting the Town Clock Trust Fund, which currently has a balance of \$2,431.06. He suggested transferring our balance to this fund in the case of our dissolution, requiring that the fund be carefully designated for the maintenance of the clock mechanism and the town-leased clocktower only, with the board of selectmen having authority to make expenditures from the fund. Gerry also noted that when he served on the board of selectmen he had suggested creating a capital reserve fund for the clock and requesting annual appropriations to the fund through the Capital Improvements Program (CIP) Committee.

Melaine Boisvert said that she likewise supported the idea of augmenting the trust fund for the town clock.

Regarding the collections that have been donated to *Meet Me in Suncook* over the years and stored in the town vault in the Perry Eaton Building, Melaine also noted that both Pembroke and Allenstown have historical societies and that these items might be transferred to their custody. Regarding the former Buck Street Schoolhouse, now the building of the Pembroke Historical Society, it was noted that the building has no heat, climate control, or protection from vermin, and would not be an appropriate place for storing historical collections.

Regarding Robert Frost Park on Buck Street, Joan Bussiere noted that we had discussed planting lilacs there and had agreed to have the invasive vines and other vegetation cut to open up the view of the river. Jim Garvin said that by a letter of November 11, 2017, we authorized Collins Tree Service, Inc., to thin the riverbank vegetation at a cost not to exceed \$1,200 after receiving approval from the Pembroke Conservation Commission to proceed with this work. Neither we nor the Pembroke Cemetery Commission, which has asked for prices from Collins Tree Service, has received a response.

Another outstanding obligation is our annual work with the Allenstown Historical Society on the Old Home Day float. The committee agreed that our individual members who have assisted with this work would continue to do so.

After further discussion, the committee agreed to maintain our existence as an organization and be ready to support any future projects that respond to our mission statement. On that basis, the following officers were nominated for 2018:

Chair — Melaine Boisvert
 Treasurer — Noreen Bean
 Secretary — James Garvin

On a motion by Marie Ayles, seconded by Joan Bussiere, this slate of officers was elected unanimously.

6. The committee discussed their preferences for a location for our annual Christmas dinner. After some discussion, it was agreed that we would select Veano's Restaurant in Pembroke, but only if the tables there can be arranged for better conversation among the members. If not, the committee agreed to select the Olive Garden in Concord. Rob Daviault kindly offered to inquire whether Veano's could arrange their tables to accommodate our group.
7. The next meeting of *Meet Me in Suncook* will be at 6:00 p.m. on Tuesday, December 4, 2018, at the selected restaurant unless the chair calls a meeting prior to that date.

New Business

8. Marie Ayles, President of the Pembroke Historical Society, announced that the society will be opening their schoolhouse, behind the Pembroke Town Hall, every Wednesday evening between 4:30 and 7:00 p.m. during July and August. The first open house will be on Wednesday, July 11th.
9. On a motion by Ron Daviault, seconded by Gerald Belanger, the meeting adjourned at 8:12 p.m.

Respectfully submitted,
James L. Garvin, Secretary

**BOARD OF SELECTMEN
TOWN OF PEMBROKE, NH
August 6, 2018 at 6:30 PM**

DRAFT

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

Staff: Town Administrator David Jodoin

I. Call to Order:

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

II. Citizen Comment:

None

III. Scheduled Meetings:

A. Jonathan Lawrence – Scout project.

Jonathan explained that he has installed no smoking signs at Memorial field as part of his project and this was based on a recommendation from the recreation Commission. He chose this project because he felt that it would make the park a healthier and cleaner park.

Rose Galligan apologized to the Board because of the miscommunication. She thought that the Board was not in favor of the ordinance not the signs.

Chairman Courtemanche stated that the ordinance and the signs are all together and for them to be enforceable you need an ordinance.

The Board asked Chief Gilman his thoughts on enforcement and he commented horrendous. Chief Gilman stated that the scout should get his award. Us as a Town has the cart before the horse. I will leave it up to the Board on how they want to handle this. As for enforcement it's not going to be high on our priority list. If we are there and see something we will act but to get called there we may not respond because we are busy with something else.

Selectmen Bond was concerned that enforcement would be a problem, especially at large events like old home day.

Steve Fowler, Old Home day would like to see the change and felt that most would comply with the regulations.

Selectmen Greco moved to create an ordinance to allow no smoking in Memorial Field, seconded by Selectmen Crockwell. There was discussion on creating the ordinance. Motion passed 3-2.

The Board talked briefly about the ordinance and how it would be set up.

Ron Gadous – Lightec

Ron was in to discuss the LED conversion project with the Town. Ron will reach out to the contact at Eversource for the grant.

Motion by Selectmen Bond to waive the bid requirements as requested by the Energy Committee and to award the contract to Lightec, seconded by Selectmen Goulet. Motion passed 5-0.

IV. Old Business:

The Board reviewed the parking ordinance for 4 Union Street. There was discussion about the handicapped spot being moved. Motion by Selectmen Goulet, seconded by Selectmen Crockwell to approve the wording of Chapter 191 as amended. Motion passed 5-0.

Center Road – The Board reviewed the updated language that eliminates any exposure to the Town. Selectmen Greco moved to approve the purchase and sales agreement, seconded by Selectmen Crockwell. Motion passed 5-0.

V. New Business:

Motion by Selectmen Bond, seconded by Selectmen Goulet to approve the State MS-535 form. Motion passed 5-0.

Code enforcement agreement with the Town of Hooksett for backup coverage. Motion by Selectmen Goulet, seconded by Selectmen Bond. Motion passed 5-0.

Manifest/Abatements:

Action: Selectman Crockwell moved to approve the manifest and abatements as presented. Motion seconded by Selectman Goulet. Motion passed 5-0

Minutes

Action: Selectman Greco moved to approve the minutes of 7/16 and 7/30 as presented, Selectman Crockwell seconded the motion. Motion passed 5-0. Selectmen Goulet abstained on the minutes for 7/30 as she was not in attendance.

Motion by Selectmen Goulet to approve the nonpublic minutes of July 16th, seconded by Selectmen Greco. Motion passed 5-0.

Motion by Selectmen Crockwell to appoint Natalie Gilsum to the Zoning Board, seconded by Selectmen Greco. Motion passed 5-0.

VI. Town Administrators Report:

1. NHMA policy review. This will be in your packet for the meeting on the 20th. The Board will need to decide if anyone will be going to vote. If the Board is in agreement with the policies then there is no real need to go.
2. A review of the Building Committees report. The Air conditioning unit on the wall in the

- meeting room is gone and needs to be replaced. The overall HVAC system here is also dying, these will be discussed at the CIP meeting on August 15th.
3. The retaining wall at 4 Union Street was reviewed by the Town Engineer and he will submit a report.
 4. The Town Clock repairs will also be part of the CIP and budget process this year.
 5. FEMA letter for reimbursement.
 6. A discussion on whether to bond on work being done on range roads. This will be in your next packet for further discussion.

VII. Committee Reports:

Selectmen Goulet - Nothing

Selectman Bond – CIP has started our first meeting was with Police and Fire. Fire is looking for a new vehicle and Police is also looking for a new cruiser.

Planning – The project on Pembroke Street across from Kimball's was before the Board for a conceptual discussion.

Selectman Greco-Roads is tomorrow night.

Selectman Crockwell- Nothing.

Selectman Courtemanche-Nothing.

D. Jodoin stated that in the spring the Board will need to start looking at the roofs again at the Safety Center (Fire side) as well as the Library. Money is budgeted in the CIP for the Library in 2024 and the funds for the safety center are already in the Capital Reserve Funds.

The roof drain at 4 Union Street was also discussed and needs to be finalized along with the guard rails.

VIII. General Citizen Comment/Other:

None

The Board went over the picnic.

IX. Adjourn:

Selectman Goulet moved to adjourn at 8:10pm. Motion seconded by Selectman Greco. Motion passed 5-0.

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.