



New Hampshire Municipal Association
2015-2016 Legislative Policy Process

Floor Policy Proposal

Submitted by (name) Joan Morel Date August 11, 2014

City or Town Town of Hinsdale Title of Person Submitting Policy Selectman

Floor Policy Proposal approved by vote of the governing body on (date) August 11, 2014

To see if NHMA will SUPPORT/OPPOSE: ^{XXXXXX} The modification of RSA 41:18 to read "Each town shall have a deputy town clerk....."

Municipal interest to be accomplished by proposal: RSA 41:18 currently reads "Each town may have a deputy town clerk....". This change will assure that Towns have a deputy town clerk to fill in town clerk absences and serve the public.

Explanation: Previously this statute left the appointment of a deputy town clerk to the elected town clerk with the approval of the selectmen. The current town clerk was absent many times and refused to appoint a deputy town clerk.

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. Fax to 224-5406; mail to 25 Triangle Park Drive, Concord, NH 03301; email to governmentsaffairs@nhmunicipal.org. **Must be received by August 15, 2014.**



New Hampshire Municipal Association 2015-2016 Legislative Policy Process

Floor Policy Proposal

Submitted by (name) Joan Morel Date August 11, 2014
City or Town Town of Hinsdale Title of Person Submitting Policy Selectman

Floor Policy Proposal approved by vote of the governing body on (date) August 11, 2014

To see if NHMA will SUPPORT/OPPOSE: The amendment of RSA 41:9-b, V to add "and officials elected to non-volunteer positions in the municipality".

Municipal interest to be accomplished by proposal: Currently elected officials such as Town Clerk, Tax Collector, and Treasurer are not subject to a background investigation and criminal history record checks. These positions handle the vast majority of funds coming to the municipality.

Explanation: As stated above, an elected Town Clerk, Tax Collector, and Treasurer are not subject to a background investigation and criminal history record checks. Candidates for employment are subject to this procedure. The elected officials stated above should be fiduciary responsible to voters, and to perform a background investigation and criminal history record check prior to being sworn into office would help with some assurance to the voters that the person is responsible for handling of monies.

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New Hampshire Municipal Association
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Floor Policy Proposal

Submitted by (name): Steve Malizia

Date: August 12, 2014

City or Town: Hudson

Title of Person Submitting Policy: Town Administrator

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

August 5, 2014

To see if NHMA will SUPPORT/OPPOSE:

To see if NHMA will support legislation to allow municipal library budgets to appear as a separate warrant article on the Town Meeting SB2 ballot.

Municipal Interest to be accomplished by proposal:

To give the voters greater visibility to the appropriations necessary to operate the municipal library when they vote at the Annual Town Meeting.

Explanation:

Currently, in SB2 communities, the operating budget for the Town appears as a separate warrant article. The article raises and appropriates a sum of money for the operation of the Town and also defines a default budget should the proposed budget not pass. In 2014, separate warrant articles were allowed on the ballot to raise and appropriate funds to run a municipal water utility and a municipal sewer utility. Each of these articles also identified a default budget should the article(s) not pass. The Hudson Board of Selectmen believe that it would be appropriate to allow SB2 communities to put municipal library budgets, separate from the Town's general fund budget, so that the voters would have greater visibility into the cost to operate the library as well as the ability to vote for a library default budget. Another strong argument in favor of allowing the library budget to be a separate warrant article is that the Library Trustees are a separately elected body, not subject to the direction of the Board of Selectmen.

NHMA

New Hampshire Municipal Association 2015-2016 Legislative Policy Process

Floor Policy Proposal

Submitted by: Barrington Board of Selectmen who voted to request and support this floor policy proposal at their meeting July 28, 2014: Town Barrington, NH

Title of Person Submitting Policy: Town Administrator John Scruton on behalf of the Board of Selectmen.

Floor Policy Proposal approved by vote of the governing body on (date) July 28, 2014

To see if NHMA will SUPPORT:

An increase in the amount of a public project before it requires mandatory obtaining of a performance bond so the local governing body could elect to waive the performance bond for any project under \$75,000 in RSA447:16. The proposal would allow the governing board on a case by case basis between \$35,000 and \$75,000 the option to waive the performance bond or to require it.

Municipal interest to be accomplished by proposal:

Inflation has caused many more projects to require a performance bond, including more building repair projects and relatively small road projects. Currently some small companies end up not bidding on these projects because of the challenges of getting a performance bond. If a small company had no subcontractors; the town had assurance the suppliers were paid, and the town did not pay until the work was complete there would be little need for the performance bond, but it is now required regardless of the type of public project.

Explanation:

The provision limits the ability of small local companies to compete for projects. It likely results in higher costs to the community since the cost of the performance bond is passed on to the taxpayers. Allowing the local option for the governing board to waive the bond in this range of project, could save towns money and award the project locally.

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New Hampshire Municipal Association
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Floor Policy Proposal

Submitted by (name) Joan Morel Date August 11, 2014
City or Town Town of Hinsdale Title of Person Submitting Policy Selectman

Floor Policy Proposal approved by vote of the governing body on (date) August 11, 2014

To see if NHMA will SUPPORT ~~ANNOY~~: The amendment of RSA 75:1 so that the last sentence will read "The selectmen shall receive and consider all evidence that shall be submitted to them relative to the value of property upon request, including rental income and expenses, the value of which cannot be determined by personal examination."

Municipal interest to be accomplished by proposal: Taxation of property in an equitable manner so that all taxpayers pay their fair share.

Explanation: Currently assessors ask for income and expenses information but receive very few responses. This results in an inaccurate application of income and expenses to all properties with rentals - for instance apartments, rented homes, rental spaces in businesses, etc. - because assessors use the submitted information to apply average incomes and expense to all similar properties.

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New Hampshire Municipal Association
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Floor Policy Proposal

Submitted by (name) Joan Morel Date August 11, 2014
City or Town Town of Hinsdale Title of Person Submitting Policy Selectman

Floor Policy Proposal approved by vote of the governing body on (date) August 11, 2014

To see if NHMA will SUPPORT/~~OPPOSE~~: Legislation for a penalty for failure to submit requested information relative to the value of property as described in RSA 75:1. The penalty shall be 1% of the assessed value of the property.

Municipal interest to be accomplished by proposal: Collection of information relative to the value of property will be more likely to come in from all property owners, thereby allowing for more equitable taxation of property so that all property owners will pay their fair share.

Explanation: A property owner did not submit income and expenses for a property, then appealed the denial abatement to the BTLA. The case decision is pending.

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Floor Policy Proposal

Submitted by (name) Scott Dunn Date August 14, 2014

City or Town Gilford Title of Person Submitting Policy Town Administrator

Floor Policy Proposal approved by vote of the governing body on (date) August 13, 2014

To see if NHMA will SUPPORT: Amending RSA 41:9-a to add a new paragraph VI to read: "A Town may, by vote of the governing body, impose a standard fee of no more than ten dollars (\$10.00) and/or require reimbursement for actual postage or shipping costs for any mailing that is provided as a convenience to the public except where such fees or mailings are otherwise prescribed by law. The monies collected under this paragraph shall be transferred to the custody of the treasurer for deposit into the municipality's general fund."

Municipal interest to be accomplished by proposal:

Reimburse municipalities for costs incurred for benefit of others.

Explanation:

Municipalities should have legislative authority to charge for postage when performing services as a convenience.

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Floor Policy Proposal

Submitted by Barrington Board of Selectmen Date June 3, 2014

City or Town Barrington Title of Person Submitting Policy Board of Selectmen

Floor Policy Proposal approved by vote of the governing body, Barrington Board of Selectmen, on June 2, 2014

To see if NHMA will SUPPORT changes to RSA 674:41 to allow as a local option greater flexibility so a landowner who has been through the process once for a building permit for a residence or other building permit, obtained approval from the Governing Body to build, and filed the necessary indemnification for that building, the owner of that property does not then have to go through the entire procedure for additions and accessory structures, decks, etc. if the building permit is not an expansion of use that might increase the community's exposure of liability.

Municipal interest to be accomplished by proposal:

Currently property owners on Class VI roads and Private Roads have to go through the process in RSA 674:41 every time the property owner comes for a building permit, even if they have been through the process before for the main residence and filed the indemnification. This would allow the Governing Body the ability to grant the Building Inspector authority to approve the issuance of future permits without requiring the steps of RSA 674:41 each time a building permit for changes occurred on the previously approved property. This would save town boards' and official's time and money involved in a process that seems unnecessarily duplicative. Any expansion of use or change of use creating greater liability would require Governing Board approval under procedures of RSA 674:41 due to the increase in liability exposure.

Explanation:

RSA 674:41 forbids granting a building permit on Class VI and certain Private Roads (sections 1(c & d)) without following a specified procedure to ensure the Governing Body has approved of that building and that there is an indemnification filed by the owner. Currently second building permits on the same property, even for small projects, require the same process. If the Town has approved the building of a residence or other building on the lot and the owner has filed an indemnification, the Governing Body should have authority to authorize future permits for things like barns, garages, decks, etc. without requiring the entire procedure in 674:41.

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Floor Policy Proposal

Submitted by (name) Board of Selectmen

Date: August 13, 2014

City or Town: Fitzwilliam

Title of Person Submitting Policy : Susan Silverman, Chairman Board of Selectmen

Floor Policy Proposal approved by vote of the governing body on (date) August 11, 2014

To see if NHMA will SUPPORT the revision of elements of RSA 12-E as described below to better address the mandatory integration of local and state regulations.

Municipal interest to be accomplished by proposal: (Concerns and proposed changes in response to Judge Kissinger's ruling March 17, 2014 that determined RSA 12-E preempts all local ordinances with regard to mining.) TO enhance the local taxpayers and residents input in the State process of regulating mining within its boundaries. Mining is distinctly different from other activities that serve the public good such as utilities in which the state preempts local regulations. We would suggest a similar relationship between local and state regulations as described in RSA 483 B:3, II (Shoreland Protection) which states: "When the standards and practices established in this chapter conflict with other local or State laws and regulations, the more stringent standard shall control".

Explanation: In addition, the following should be considered for revision:

1. RSA 12-E:1, XIII Pre-application hearing currently allows for only one representative from the town to attend, and does not produce any official record that is covered under 91-A.
2. RSA 12-E:1 IX (a) defines an exemption for mining under 2000 cubic yards per year and less than 5 acres in area. This type of commercial operation should be regulated by local ordinances just as any other business operating in town and should fall under site plan review much as excavation does. Towns should have the ability to create mining regulations that make the operation compatible with the municipality, while not prohibiting mining.
3. RSA 12-E:4 VII: This part of the statute should address more clearly public safety caused by damage to public roads not built for mining vehicle use, and the mining plan defined here should include the filing of an engineering plan of relevant access roads that addresses the condition of the roads before, after and during the operation. This should allow for the town to be compensated for any damage to the roads.
4. RSA 12-E:4 X (d) should be amended to add "or it lies in a residential neighborhood"
5. RSA 12-E:5 There needs to be more time before a public hearing on the application, and it should state clearly that the hearing should be held in the affected community. Under the current regulation, the hearing could be held with as little as 5 days notice, hardly enough time to disseminate or evaluate any propose activity. We would suggest a 10 day notice as a minimum notice period.

6. RSA 12-E:6 The financial assurance plan should include monies for municipal road repair, as well as land reclamation.
7. There should be some consideration of a revenue stream as part of the process to flow from the applicant/operator to the municipality, such as a tax on stone removed (cu yds), similar to the excavation tax and timber tax.
8. The State still has not defined its own rules and regulations surrounding this type of activity and that should be required of DRED and DES, especially as they are now receiving requests for permits, holding pre-application meetings and making determinations on whether or not a proposed operation requires a permit.

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