

General Government, Revenue & Intergovernmental Relations

Recommended Policy Proposals 2009-2010 Legislative Policy Process

RECOMMENDED ACTION POSITIONS

1. Municipal Participation in Retirement Issues.

To see if NHMA will **SUPPORT** continuing to work with legislators and the NHRS Board members about pending retirement fund deficiencies and offer ways to assure the long-term health and solvency of the New Hampshire Retirement System, including changes to the benefit structure and the governance structure of the system. (**Modified existing policy.**)

2. Public Notice Requirements.

To see if NHMA will **SUPPORT** legislation to amend all public notice requirements to allow electronic notification rather than only newspaper print for official public legal notification.

Municipal interest to be accomplished by proposal: Streamline and reduce costs of legal notification requirement in this electronic age.

Explanation: If a municipality has the ability to post notices electronically on either the WEB page and/or cable television access stations, it should be allowed in order to meet the public notice requirement. A municipality would then have the discretion to use any newspaper print notices it deems necessary, without being held to the deadline requirements of the local papers.

Submitted by Russell R. Marcoux, Town Manager, Bedford.

RECOMMENDED POLICY POSITIONS

3. Right to Know Costs and Specificity Required.

To see if NHMA will **SUPPORT** amendments to RSA 91-A allowing municipalities to recover the actual costs of retrieving, reviewing and reproducing documents and clarifying the level of specificity required when requesting public records. (**Existing policy.**)

4. Highway Fund.

To see if NHMA will **SUPPORT** increasing the gas tax and other fees dedicated to the highway fund and, further, to see if NHMA will **continue to SUPPORT** working with the legislature and the Department of Transportation on alternative funding sources that will assure the maintenance of existing state and local transportation infrastructure and greater focus and financial support for public transportation, including rail and bus services.

Municipal interest to be accomplished by proposal: If municipalities are at the table when these issues are being discussed, there is greater likelihood that solutions to the transportation funding crisis and options to expand modes of public transportation will meet the needs of local government and its residents and businesses.

Explanation: The Municipal Advocacy Committee voted to adopt increasing the gas tax and other fees dedicated to the highway fund in January of 2007. Since that time, both state and federal highway funds have become more limited and the legislature has begun to discuss alternatives to the gas tax and the need to focus on modes of transportation other than personal automobiles. **(Modified existing policy.)**

RECOMMENDED STANDING POLICY POSITIONS

5. Charitable Definition and Mandated Property Tax Exemptions.

To see if NHMA will **SUPPORT** legislation redefining the term "charitable" in RSA 72:23-1, adopting a stricter review of property owned by religious, charitable and educational entities for compliance with the statutes, and creating a method of reimbursement to municipalities for state-owned property and **OPPOSE** legislation which requires the granting of additional local property tax exemptions, unless the state reimburses municipalities for the loss of revenue. **(Modified existing policy.)**

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

To see if NHMA will **SUPPORT** legislation to authorize municipalities to utilize, for any municipal purpose, the space designated for municipal good upon all poles, conduit and other structures within their rights-of-way without paying unreasonable make-ready costs. This includes the right to use that space for data and voice transmission to, from, and by the municipal government, schools, library, and other governmental institutions. It also includes a requirement that the owners of utility poles and conduit do the necessary work for that space to be available. **(Existing policy.)**

7. Local Ordinances Governing Right-of-Way Use.

To see if NHMA will **SUPPORT** legislation authorizing municipalities to adopt local ordinances governing the use of public rights-of-way and establishing appropriate compensation for such uses. **(Existing policy.)**

8. Downshifting of State Costs.

To see if NHMA will **OPPOSE** legislation which will downshift state costs or state program responsibilities, either directly or indirectly, to municipalities and/or counties, resulting in increased municipal and/or county expenditures, whether in violation of Article 28-a or not, and **SUPPORT** adequate state funding of Medicaid costs. **(Existing policy.)**

9. Binding Arbitration.

To see if NHMA will **OPPOSE** mandatory binding arbitration as a mechanism to resolve impasses in municipal employee collective bargaining. (Existing policy.)

10. Telephone Company Property Tax Exemption.

To see if NHMA will **OPPOSE** the continuation of an exemption from the property tax for poles, wires, and conduits owned by telephone companies. (Existing policy.)

11. State Revenue Structure and State Education Funding.

To see if NHMA will **SUPPORT** the development of a detailed and specific definition of an adequate education in order to reach a stable and sufficient level of state funding for education.

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:

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

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.

To see if NHMA will **OPPOSE** reductions in state revenue to political subdivisions, such as revenue sharing, meals and rooms tax distribution, highway block grants, water pollution moneys, adequate education grants, or catastrophic aid.

To see if NHMA will **OPPOSE** any failure by the State to fully fund school building aid. (Existing policy.)

12. Land Use Compliance by Government Entities.

To see if NHMA will **SUPPORT** legislation to strengthen RSA 674:54 to permit municipalities to require that development of property for governmental uses, excluding transportation and telecommunications facilities, be subject to local land use regulations. (Existing policy.)

13. Utility Appraisal Method.

To see if NHMA will OPPOSE mandating the use of the unit method of valuation in the appraisal of utility property, by either administrative or legislative action, and SUPPORT the right of municipalities to use any method of appraisal upheld by the courts. (Existing policy.)

14. Minimum Vote Required for Bond Issues.

To see if NHMA will OPPOSE legislation to increase the 60% bond vote requirement for official ballot communities. (Modified existing policy.)

15. Mandated Employee Benefits.

To see if NHMA will OPPOSE any proposals to mandate employee benefits, including any proposal to enhance retirement system benefits which may increase employer costs in future years for current or future employees. (Existing policy.)

16. Late Filing of Utility Change Report.

To see if NHMA will SUPPORT legislation to strengthen RSA 83-F:5, V by providing a penalty to those utilities that do not file by June 1 a list of the changes made to the utility property since April 1 of the preceding year. (Existing policy.)

17. Underground Utilities.

To see if NHMA will SUPPORT legislation authorizing municipalities to incur debt for the purpose of removing overhead utilities, and replacing them with underground utilities. (Existing policy.)

Planning and Environmental Quality

Recommended Policy Proposals 2009-2010 Legislative Policy Process

RECOMMENDED ACTION POSITIONS.

1. Use and Area Variances.

To see if NHMA will **SUPPORT** legislation to eliminate the distinction between use and area variances and to adopt the standard established in *Simplex Technologies v. Town of Newington* as the test for an “unnecessary hardship” in all cases.

Municipal interest to be accomplished by proposal: Simplify the planning process for municipal staff and zoning boards.

Explanation: The New Hampshire Supreme Court’s 2003 decision in *Boccia v. City of Portsmouth* established a distinction between “use” variances and “area” variances that has been difficult for zoning boards to administer. Legislation filed in 2007 would have created a single set of variance criteria based on the *Simplex* standard. This bill also incorporated the judicially created requirement that a variance shall not injure the rights of others. The proposal is to support similar legislation in the future. **Submitted by Clay Mitchell, Epping Town Planner and Legislative Liaison, New Hampshire Planners Association.**

2. Penalties for Land Use Violations.

To see if NHMA will **SUPPORT** legislation clarifying that each day that a violation of a land use ordinance, code, or regulation continues shall be deemed to constitute a separate offense.

Municipal interest to be accomplished by this proposal: Enable municipalities to prosecute all violations of land use laws in district court, rather than requiring them to go to superior court for longstanding violations.

Explanation: RSA 676:17, I, imposes a civil penalty of \$275 per day for the first offense, and \$500 per day for subsequent offenses, for each day that a violation of a land use law continues. Violations of municipal land use laws may be prosecuted in either district or superior court. Most municipalities choose to go to district court because the procedures are simpler and faster, and in most cases the court is located closer to the municipality. District courts, however, have jurisdiction only over those cases where the damages claimed do not exceed \$25,000.

Municipalities have interpreted RSA 676:17, I, to mean that each day a violation continues constitutes a separate offense. However, in *Town of Amherst v. Gilroy*, No. 2006-694 (N.H. May 20, 2008), the New Hampshire Supreme Court ruled that this is a

misinterpretation, and that a violation constitutes only a single offense, regardless of how long it continues. In that case, the defendant had continued to maintain a non-conforming shed on her property for 154 days after receiving notice of the violation. The district court awarded the town \$42,450 (\$275 x 154 days). The defendant claimed that this award exceeded the district court's jurisdiction. The town argued that it did not, because it was a series of 154 penalties in the amount of \$275 each, so that each penalty was well within the district court's jurisdiction. The Supreme Court agreed with the defendant and held that the district court had exceeded its jurisdiction. The court also stated that if the legislature intended for each day of a continuing violation to constitute a separate offense, it could amend the statute to say so. **Submitted by Jane Taylor, City Attorney, Claremont.**

3. Election or Appointment of ZBA Members.

To see if NHMA will SUPPORT legislation clarifying that a municipality's decision to change from an elected to an appointed zoning board of adjustment, or vice versa, can be accomplished by an ordinary warrant article at town meeting, rather than by amending the zoning ordinance.

Municipal interest to be accomplished by proposal: Clarify procedure and avoid disputes and possible litigation.

Explanation: RSA 673:2, IV, states, "Every zoning ordinance adopted by a local legislative body shall include provisions for the establishment of a zoning board of adjustment." Many zoning ordinances specify how ZBA members will be elected or appointed. Separately, RSA 673:3 states that ZBA members shall be either elected in the manner prescribed by RSA 669 or appointed in a manner prescribed by the local legislative body. The statute also allows the legislative body to rescind the decision to elect ZBA members and return to an appointed body. Where a zoning ordinance prescribes the method for electing or appointing ZBA members, it is unclear whether the method can be changed simply by a warrant article vote, or whether a zoning amendment adopted pursuant to RSA 675 is required. **Submitted by NHMA staff, based on inquiries from several local officials.**

RECOMMENDED POLICY POSITIONS.

4. Environmental Regulation and Preemption.

To see if NHMA will SUPPORT legislation that (a) recognizes municipal authority over land use and environmental matters, (b) limits state preemption of local environmental regulation to those matters on which there is a compelling public need for uniform state regulation or which municipalities do not have the expertise or resources to regulate, 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. (Modified existing policy.)

5. Exemption from Land Use Change Tax.

To see if NHMA will **SUPPORT** amending RSA ch. 79-A, Current Use Taxation, to clarify that no person or entity is exempt from the land use change tax, and to provide that when land ceases to qualify for current use taxation as a result of a sale of the land, the land use change tax will be assessed against the seller if the buyer is a government entity or other tax-exempt organization. (**Modified existing policy.**)

6. OBD Testing.

To see if NHMA will **SUPPORT** legislation to make permanent the exemption for municipal motor vehicle inspection stations regarding the leasing of a computer terminal and electronic submission of inspection data under RSA 266:1 (OBD II emissions testing).

Municipal interest to be accomplished by proposal: Municipalities would continue to be exempt from the State requirement to lease one or more computer terminals (at each location where inspections are performed) and use those terminals to perform automotive emissions testing, data collection, and transmittal of inspection data to the State via its contractor.

Explanation: Currently, municipalities are exempt from the State requirement through June, 2009. Absent that exemption, all municipalities who perform motor vehicle inspections in-house would be required to lease at least one computer terminal (per location) from the State's contractor. This would add great expense to these municipalities while producing negligible benefits. Most municipalities operate very good vehicle maintenance programs and would not allow a vehicle to be operated which was in non-compliance with laws, rules and regulations, including OBD II emissions regulations. **Submitted by Robert R. LeBreux, Fleet Manager, Concord.**

7. Impact Fees for State Highways.

To see if NHMA will **SUPPORT** legislation allowing municipalities to collect impact fees or exactions for improvements to state highways.

Municipal interest to be accomplished by proposal: This would allow a municipality to assess an impact fee when a development affects a state-maintained highway located in the municipality.

Explanation: RSA 674:21 allows the assessment of impact fees "for the construction or improvement of capital facilities *owned or operated by the municipality.*" Frequently, developments along a state highway eventually lead to a need to improve the highway, but such improvements may not be high on the state's list of highway projects. In such cases, the municipality may agree with the state to fund part or all of the improvements, but it has no way to recover the costs other than through property taxes, since the highway is not a municipal facility. Allowing municipalities to assess impact fees would enable them to recover the costs from those whose developments create the impacts. **Submitted by Clay Mitchell, Epping Town Planner and Legislative Liaison, New Hampshire Planners Association.**

8. Planning Board Appeals.

To see if NHMA will **SUPPORT** legislation that (a) protects parties from losing their appeal rights when they appeal a planning board decision to the superior court under RSA 677:15 or to the ZBA under RSA 676:5, III, and either body determines that the appeal should have gone to the other, and (b) allows all issues to be appealed to the superior court after the conclusion of any appeal to the ZBA. Any such legislation should preserve the existing 30-day appeal period under RSA 677:15.

Municipal interest to be accomplished by proposal: Grant the municipality and applicant additional time to resolve appeals prior to having to file in superior court, saving both parties the additional cost and time of filing with the court.

Explanation: Per RSA 677:15 an appeal of a planning board decision concerning a site plan or a subdivision is taken to superior court and can be filed by any persons aggrieved by the decision. However, under RSA 676:5, III, planning board decisions involving interpretation or application of the terms of the zoning ordinance must be appealed to the zoning board of adjustment. This can create a situation where the appellant is simultaneously appealing to the ZBA and the superior court. **Submitted by Clay Mitchell, Epping Town Planner and Legislative Liaison, New Hampshire Planners Association.**

RECOMMENDED STANDING POLICY POSITIONS.

9. Affordable Housing.

To see if NHMA will **SUPPORT** legislation relative to the development of affordable housing that implements, but does not exceed, the requirements of the New Hampshire Supreme Court's decision in *Britton v. Chester*, 134 N.H. 439 (1991). **(Existing policy.)**

10. 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 reasonable use of renewable energy sources, and promote energy conservation.

Municipal interest to be accomplished by this proposal: In the face of rising energy costs and the increasing awareness of the environmental impacts of using fossil fuels for transportation, heat, and electricity, municipalities will likely want to take advantage of emerging renewable energy alternatives and energy conservation options.

Explanation: Statewide energy policies may affect not only municipalities' budgets but also their environmental health, and municipalities should have a voice in both through NHMA. In the near term there are likely to be programs encouraging municipalities to explore and implement energy conservation and local renewable energy use, particularly wood and wind. In addition, there will likely be discussion and legislation regarding the

siting of wood power plants, wind farms, and additional power transmission lines—all of which may have important impact on communities. Municipalities also have a stake in statewide energy policies such as the Regional Greenhouse Gas Initiative (RGGI) that is currently before the legislature. NHMA should represent the municipalities' interests in managing energy costs, reducing environmental impacts of energy uses, and maintaining local control. **Submitted by Jack Savage, Planning Board Member, Middleton.**

11. Open Space Retention/Sprawl Prevention/Housing and Conservation Planning.

To see if NHMA will **SUPPORT** legislation encouraging statewide programs that provide incentives and assistance to municipalities to adopt land use planning and regulatory techniques that will better prevent sprawl, retain existing tracts of open space, and preserve community character. This policy includes **SUPPORT** for continued funding for the Housing and Conservation Planning Program. **(Modified existing policy.)**

12. Sludge/Biosolids.

To see if NHMA will **SUPPORT** reliable enforcement of scientifically based health and environmental standards for the management of sludge, septage, and biosolids; will **SUPPORT** the funding of the New Hampshire Department of Environmental Services at a level allowing full and adequate development and enforcement of such scientifically based health and environmental standards; will **SUPPORT** an increase in the amount of state aid grants or other financial assistance for wastewater treatment plant upgrades to improve the quality of biosolids produced from Class B to Class A biosolids; will **OPPOSE** any state legislation that would curtail the ability of municipalities to dispose of municipally-generated biosolids through land spreading, when done in accord with such scientifically based health and environmental standards; and will **OPPOSE** any preemption of local authority to regulate in this field. **(Existing policy.)**

13. Current Use.

To see if NHMA will **OPPOSE** any legislative attempt to undermine the basic goals of the current use program and will **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.)**

14. Conservation Investment.

To see if NHMA will **SUPPORT** legislation to create permanent funding for the Land and Community Heritage Investment Program and will **OPPOSE** any subsequent diversion of such funds to other uses. **(Modified existing policy.)**

Municipal Administration and Finance Management

Recommended Policy Proposals 2009-2010 Legislative Policy Process

RECOMMENDED ACTION POSITIONS

1. Assessing Practices – Income and Expense Statements on Appeal.

To see if NHMA will **SUPPORT** legislation which prohibits the use of income and expense information by a taxpayer in any appeal of value if the taxpayer, after request by the municipality, has not submitted the requested information. **(Modified existing policy.)**

2. Extended Lease of Municipal Property.

To see if NHMA will **SUPPORT** legislation to amend RSA 41:11-a to allow the legislative body to authorize the governing body to lease municipal property for up to five years.

Municipal interest to be accomplished by proposal: Greater flexibility in leases of property if desired.

Explanation: The current 41:11-a only allows leases for up to 1 year. For towns to establish realistic revenue streams, longer term leases are needed. If towns have property to rent to revenue making entities a five year lease is a minimum requirement, the law should really be up to ten years. Towns have consistently worked around this with 1-year renewals, which is not a great practice. **Submitted by Russell Dean, Town Manager, Exeter.**

3. Bond Rescission Process.

To see if NHMA will **SUPPORT** legislation creating a statutory procedure to rescind the approval of a bond, which a) could be used not less than five years after passage of the bond which is subject to the rescission vote, and b) would require the same majority vote needed to adopt a bond in the municipality the time of the rescission vote, and **SUPPORT** legislation to provide statutory authority to limit the length of time the authority to bond once approved is valid. **(Modified existing policy.)**

RECOMMENDED POLICY POSITIONS

4. Electronic Payments.

To see if NHMA will **SUPPORT** legislation to clarify that municipalities may accept payments in electronic formats, including, but not limited to credit cards, debit cards, ACH transactions, and other electronic methods that may become customarily used in the future. The decision to accept different forms of electronic payments should be a local option authorized by the governing body.

Municipal interest to be accomplished by proposal: This change will allow municipalities the option to accept payments in the various electronic formats that are becoming more readily used and accepted, such as debit card and ACH transactions. This will improve the efficiency and accuracy of financial operations and will allow citizens the ability to transact municipal business in manners that now commonly occur in today's society.

Explanation: Currently RSA 80:52-c authorizes the acceptance of credit card payments upon approval of the legislative body (town meeting). The law is silent in terms of other forms of electronic payments such as debits cards (which did not exist when the credit card statute was enacted) and Automated Clearing House (ACH) transactions. Information presented at the NH Government Finance Officers annual conference indicates that electronic payments are now widely *expected* by customers, cost less to process than checks, result in less posting errors and are less susceptible to fraud. However, upon review of the legislative history of RSA 80:52-c and other statutes dealing with electronic payments, it is by no means clear whether forms of electronic payments, other than credit cards, are authorized by law.

The formats in which a particular municipality accepts payments for different fees, charges and/or taxes should be a matter of local option, approved by the governing body after consideration of the necessary resources and cost benefits to be realized. The statute should be broad enough to allow that the transaction of municipal business be conducted efficiently and accurately, and in the various manners that are most convenient for, and commonly expected by citizens. **Submitted by Janice O'Connell, Finance Director, Goffstown and Legislative Liaison for the Government Finance Officers.**

5. Tax Liening Mandatory.

To see if NHMA will SUPPORT legislation to change RSA 80:59 to read: "The real estate of every person or corporation shall be subject to the tax lien procedure by the collector, in case all taxes against the owner shall not be paid in full on or before December 1 next after its assessment, provided that the municipality has adopted the provisions of RSA 80:58-86 in accordance with RSA 80:87. A real estate tax lien imposed in accordance with the provisions of RSA 80:58-86 shall have priority over all other liens."

Municipal interest to be accomplished by proposal: Clarifies the law by changing the word may to shall which would require all municipalities to lien unpaid taxes instead of the ambiguous way it is now written.

Explanation: Recently a town came under scrutiny because under the direction of the board of selectmen, the tax collector did not lien property. They sited this RSA as the reason they chose not to lien. It was shown by their auditors that the town had lost thousands of dollars of revenue by not liening. Also because they had not liened they could not deed any property. In order to take a property by tax deed a municipality must follow all the statues regarding delinquency and lien notification and must record the lien with the registry of deeds. The Tax Collector's Association feels the laws need to be consistent and this change would accomplish that. **Submitted by Jill Hadaway, Town Clerk/Tax Collector, Bow.**

6. Welfare Lien Priority.

To see if NHMA will SUPPORT legislation giving welfare liens arising under RSA 165:28 priority over other liens.

Municipal interest to be accomplished by proposal: Enable municipalities to recover more of their welfare costs when the person receiving payment owns real property.

Explanation: Many towns are experiencing significantly increased welfare demands, especially for mortgage payments. When the property is sold or foreclosed, the town often is unable to recover anything because its lien is subordinate to previously filed liens. Giving priority to a welfare lien is appropriate when it is the town's welfare payments that have enabled the owner to continue living on the property. **Submitted by James Carrick, Chair, Board of Selectmen, Goshen.**

7. Terms of Appointed Officials.

To see if NHMA will SUPPORT legislation to clarify that appointed officials, including land use boards, continue in office beyond the expiration of the term until such time as a new (or renewed) appointment is made. **(Modified existing policy.)**

8. Supplemental Budget Hearings.

To see if NHMA will SUPPORT legislation to clarify that supplemental public hearings on the proposed municipal budget may be held later than 25 days before the town meeting, provided that at least one public hearing has been held, as required by RSA 32:5 "not later than 25 days before each annual or special meeting." **(Existing policy.)**

9. Special Meetings for Zoning Amendments.

To see if NHMA will SUPPORT an amendment to RSA 40:13, XVI to clarify that no deliberative session is needed to hold a special town meeting for the purpose of considering the adoption or amendment of a zoning ordinance. **(Existing policy.)**

10. Solid Waste Revolving Fund.

To see if NHMA will SUPPORT legislation to allow municipalities to establish, by vote of the legislative body, revolving funds for their solid waste programs, including solid waste collection, disposal, and the operation of any municipally operated transfer station, in addition to recycling.

Municipal interest to be accomplished: This would allow communities to establish a revolving fund for their solid waste programs by vote of the Town, and be more expansive than the current subsection (a).

Explanation: Most communities currently bring in some solid waste related revenue, however there is no dedicated fund under current state law for municipal waste programs. By adopting a fund like the one noted above, municipalities would be able to run their solid waste

clarifying legislation passed in 2004, as well as a task force to define what a recreation program was for the other entities that were named in the exemption, i.e. Boys and Girls Clubs, etc. The task force reiterated that there need not be a definition of recreation for municipal recreation departments as their exemption was secure. However, since that time, several municipal recreation departments have been informed by DHHS that some of their programs must be licensed. In the meantime, some recreation directors were also informed that DES is looking to require licensing of summer recreation programs as camps. **Submitted by Donna Kuethe, Recreation Director, Moultonborough, on behalf of the NH Recreation and Park Association, and the Moultonborough Board of Selectmen.**

18. Housing and Conservation Planning Program.

To see if NHMA will SUPPORT continued funding for the New Hampshire Housing and Conservation Planning Program.

Municipal interest to be accomplished by proposal: The NHHCPP provides grant funds to municipalities to plan for housing and conservation in a unified manner. The funds may be used for data collection and mapping, visioning, master plan updates, and zoning and regulation updates.

Explanation: Funding was allocated to the NHHCPP for fiscal years 2008 and 2009 totaling \$200,000 for each year. Continuation of the program beyond FY 2009 will require an additional appropriation in the state budget. **Submitted by Clay Mitchell, Epping Town Planner and Legislative Liaison for the New Hampshire Planners Association.**



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:
11C-3

Resolution Number: R - 2008.02.31
Resolution Re: ADOPTION OF 2008-2009 CITY COUNCIL OBJECTIVES
AND GOALS

WHEREAS: The Mayor and members of the City Council held a goal setting retreat to identify objectives and a series of goals to be accomplished in the next two years; and,

WHEREAS: The Mayor and City Council are committed to serving their Dover community in an open, positive, and respectful manner while working towards the long-term betterment of the Dover community; and,

WHEREAS: The Mayor and City council desire to articulate to the community, all City boards and commissions, the City Manager and the City's professional staff their collective aspirations and expectations for the term of their service;

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL THAT:

The 2008-2009 Mayor and Dover City Council establish the mission statement, objectives and goals as identified and finalized in the attached February 2, 2008 Meeting Notes for the purpose of communicating aspirations, expectations and direction which the Mayor and members of the City Council intend to focus upon and pursue during the course of their current City Council terms.

AUTHORIZATION

Approved as to Funding: Daniel Lynch
Finance Director

Sponsored by: Mayor Scott Myers

Approved as to Legal Form: Allan B. Krans, Sr.
City Attorney

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11C-3

Resolution Number: R - 2008.02.31
Resolution Re: ADOPTION OF 2008-2009 CITY COUNCIL OBJECTIVES AND GOALS

DOCUMENT HISTORY:

First Reading Date: 2008.03.12	Public Hearing Date:
Approved Date: 2008.03.12	Effective Date: 2008.03.12

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers	x	
Deputy Mayor*	n/a	n/a
Councilor Robert Keays, Ward 1	absent	
Councilor Douglas DeDe, Ward 2	x	
Councilor David Scott, Ward 3	x	
Councilor Dean Trefethen, Ward 4	x	
Councilor Catherine Cheney, Ward 5	x	
Councilor Richard Callaghan, Ward 6	x	
Councilor Steven McCusker, At Large	x	
Councilor Karen Weston, At Large	x	
Total Votes:	8	0
Resolution does pass.		
* Deputy Mayor not elected at time of vote.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:
11C-3

Resolution Number: R - 2008.02.31

Resolution Re: **ADOPTION OF 2008-2009 CITY COUNCIL OBJECTIVES
AND GOALS**

RESOLUTION BACKGROUND MATERIAL:



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:

11C-3

Resolution Number: R - 2008.02.31

Resolution Re: ADOPTION OF 2008-2009 CITY COUNCIL OBJECTIVES
AND GOALS

City of Dover Council Goal-Setting Retreat February 2, 2008

Meeting Notes

Opening remarks, overview of agenda and meeting orientation

To begin, facilitator Bill O'Brien distributed a handout to council members:

As an elected official, you play a fundamental role in the evolution of the goals, purposes and direction of your community... Your job as an elected official is to put in place policies, programs and facilities that will help make your mission statement come true.

... Remember, if each person has his or her own version of the mission statement, it is going to be very difficult to agree on next steps. You and your colleagues must start your administration together; the mission statement is the critical first step.

...If you and your fellow elected officials are not making decisions that support the mission statement, your community will never reach its objectives.

International City/County Management Association (ICMA)
Elected Officials Handbook, Setting Goals for Action

In view of the above, and to set the stage for the day's discussions, councilors were asked to review the Dover City Council's current mission statement:

The mission of the Dover City Council is to provide leadership and vision for the City of Dover to ensure affordable, high quality services and to provide opportunities through responsive and accessible government.

To reinforce the focus of the retreat's purpose, councilors were then provided with another passage from the same ICMA Elected Officials Handbook:

Elected officials are also called on to make decisions about more narrow issues raised by constituents... fixing potholes in certain neighborhoods, the protection and replacement of old trees and the problem of minors hanging out in video arcades during school hours. These kinds of little issues can quickly eat up most of your time.

However, it is the big issues that deserve most of your time and attention.



CITY OF DOVER

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11C-3

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AND GOALS

For this session, the facilitator suggested the terminology and definitions below to assure that all participants were using commonly-understood terms:

Objectives

These are *qualitative statements* of what the council would like to see accomplished in the next two years. (Example: "Beautify the downtown district.")

Goals

These consist of short and long-term *quantitative results* that directly support the objectives. They should be achievable, related to the key factors for success, and consistent with the objectives. Goals describe specifically *what* we want to happen. (Example: "Develop a new downtown park to create more open space.")

Tactics

These encompass a number of separate, but related and reinforcing, steps for accomplishing the selected business objectives and goals. Tactics address the *how* element of the process.

Discussion Groups

To begin to identify the council's primary objectives for the next two years, council members were divided into two groups to discuss the following question:

What do you feel are the most vital issues this council should address over the next two years?

Each sub-group then reported back to the whole, listing their identified priorities. These items were then consolidated into the following six objectives:

Objectives

1. Make the spending cap work.
2. Review and adopt a comprehensive road and sidewalk master plan.
3. Engender public trust and confidence.
4. Support appropriate economic development, focusing on business retention and job opportunities.
5. Preserve our natural resources.
6. Take a proactive role in the legislative affairs of state and county government.

Goals:

At this point, it was time to identify specific goals and timelines to support the six objectives. Below are the goals identified by the council for each objective:



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Resolution Number: R - 2008.02.31

Resolution Re: ADOPTION OF 2008-2009 CITY COUNCIL OBJECTIVES AND GOALS

Objective #1

Make the spending cap work.

Goal #1

Define the spending cap language

Completion date: March 1, 2008

Goal #2

Identify council budget priorities.

Completion date: March 1, 2008

Goal #3

Adopt the budget.

Completion date: June 15, 2008

Objective #2

Review and adopt a comprehensive road and sidewalk master plan.

Goal #1

Review and revise a policy on creation and maintenance of sidewalks.

Completion date: October 1, 2008

Goal #2

Review and revise a policy on maintenance of roads.

Completion date: October 1, 2008

Goal #3

Allocate sufficient resources to properly implement the policies.

Completion date: June 15, 2008

Goal #4

Publicize the policies.

Update by: November 1, 2008, then ongoing

Objective #3

Engender public trust and confidence.

Goal #1

Video or audiotape all boards, commissions and standing committee meetings.

Completion date: March 1, 2008

Goal #2

Conduct periodic public question and answer meetings.

Completion date: July 1, 2008

Consultant note:

There was spirited debate over whether there should be an additional goal aimed at engendering public trust and confidence, but ultimately lacked consensus. As a result, the council may, or may not, elect to add additional goals to this objective at some point.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:
11C-3

Resolution Number: **R - 2008.02.31**
Resolution Re: **ADOPTION OF 2008-2009 CITY COUNCIL OBJECTIVES AND GOALS**

Objective #4

Support appropriate economic development, focusing on business retention and job opportunities.

Goal #1

Review and endorse the new master plan.

Completion date: October 31, 2008

Goal #2

Work with DBIDA to develop a development plan supportable by the council.

Completion date: April 15, 2008

Objective #5

Preserve our natural resources.

Goal #1

Complete the landfill closure plan.

Completion date: December 31, 2009

Goal #2

Develop and implement the Willard Pond plan.

Completion date: September 1, 2008

Goal #3

Review and revise policies to protect and expand our water supply.

Completion date: December 31, 2008

Goal #4

Work with the Open Lands Committee to review and revise, if necessary, the Open Lands Program.

Completion date: December 31, 2008

Objective #6

Take a proactive role in the legislative affairs of state and county government.

Goal #1

Appoint a legislative liaison.

Completion date: February 13, 2008

Goal #2

Review and revise a policy under which the liaison operates.

Completion date: December 31, 2008

Final note:

Now that the council has identified the objectives and goals, the matter of developing tactics to accomplish these goals falls to the City Manager.

