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CITY OF DOVER

## CITY COUNCIL - MINUTES

Meeting Type: Workshop  
 Meeting Location: City Council-288 Central Ave,Dover,NH 03820  
 Meeting Date: September 3, 2008  
 Meeting Time: 7:00 pm

### 1. DISCUSSION OF RECOMMENDED POLICY PROPOSALS

Mayor Myers discussed the Local Government Center (LGC) meeting to be held on September 12, 2008 in Concord. He said he would be asking for the Council's direction during the Workshop, and he will represent the position of the Council at the meeting. He directed the Council to the three packets, considered policy proposals, that came out of the Local Government Center. He said three groups broke up and discussed the following topics: Municipal Administration and Finance Management; General Government, Revenue and Intergovernmental Relations; and Planning and Environmental Quality. He referred to the positions taken and how they showed a few levels of priority, the highest being the recommended action position. The Local Government will be actively working to either support or oppose the particular policy. He said if there was a position the Local Government Center was taking that needs an advocate for it, they will seek out representatives to help sponsor legislation. The second ones are recommended policy positions, positions that are on the books and not necessarily high-priority actions. The third level items are recommended standing policy positions. He asked the Council to go through the items like a consent calendar; discuss them, make a motion to do something different than the policy represents on the page, pull items that someone might have a concern about or wanted clarification about. He told the Council he sat on the General Government, Revenue and Intergovernmental Relations group. He didn't sit on the other two committees, but felt he had a fairly decent working knowledge of them.

Councilor Scott said that he didn't think it was appropriate that the Dover City Council, as a body, should take a position on State legislation. He felt it wasn't the role of the Council to get involved in State legislation. He said that was the decision of the individual. He said the Council sets policy for Dover and not the State. He applauded efforts of individuals; Councilor DeDe, Mayor Myers, and himself have testified before the State Legislature. He said there were four ways for someone to influence the State law: 1. Contact our State Representative; 2. Go to Concord and appear at a hearing on specific legislation; 3. We can vote out our representative if we don't think they're representing our interests; 4. Run for State Representative for themselves.

Councilor Callaghan said the LGC has a vow to assist local government bodies, and they would provide legal opinions and things like that. He said they seem to have digressed to an organization that is more of a backup group to the support of the administration of those municipalities now. He said the Local Government Center even posts on their website, if you ask them for a request, then that opinion will be shared with the local government administration, and they generally won't make a decision until they have done that. He said he found it troubling the way the Local Government Center has started maneuvering themselves into this lobbyist position, that we're bridging an alliance with a lobbyist group, and he felt that was wrong. He said they don't always represent him personally, and he has a bit of a challenge if he disagrees with something, then he has an obligation to make that known. He said as for tonight he felt all of the things were very good and they should be taken care of, but he just doesn't know if he can support working with the Local Government Center and making that alliance.

Deputy Mayor Trefethen said he felt that the Council needed to keep in mind, while it would be great if individually lots of people went up to Concord to comment on these various items as

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they come up before the legislature, the reality is that very few people do. He said the other reality is that the vested interests that have the opposite opinion to some of the proposals do generate an awful lot of people there. He said this was a way for the New Hampshire Municipal Association to go in with a voice with just a few people, but the legislature knows the number of people or individuals that are behind that voice.

Councilor DeDe said each Councilor has been elected by voters of the City of Dover, and it is not necessarily to defend their own personal view. It's to do its best for the citizens and City of Dover. He said a Councilor who has a problem with some of these issues because they may not agree with their personal views, really needs to learn to look at the bigger picture and see what's best for the citizens, which is not just 15,000 voters, but close to 30,000 people who live here. He said many people like to look at the governing body as the first avenue of attack if their taxes are too high. The City of Dover is operating under a tax cap, but the county and state are not, and when the federal government cuts funding programs to the State, the State cuts funding to the county, but there is a legal requirement on the county to provide the services, and they bill it out based on assessed valuation, and the City of Dover is approximately 26% of the total. He said the things that are happening to the City that are causing expenses within the City to go up, and for the City to maintain the tax cap, may mean cutting some of the City's services. He said the Local Government Center does act as a representative to protect the interests of the taxpayers, the municipalities. They are working for the benefit of our citizens, and we get weekly bulletins about what is coming. He said when he first became Councilor he never read them, but now he is beginning to see the impact that the Senate has on us. He said Governor Lynch just signed an Evergreen Agreement that says if the Unions don't settle, they still get their raises according to the Step system. He asked if that was in the best interest of the taxpayers of the City of Dover. Maura Carroll and her staff worked hard for that, but the unions fought hard and they won. He said this was the Council's opportunity to get behind the New Hampshire Local Government Center and let them know that they have the Council's support on these issues.

Mayor Myers said just because the Council takes a position on something does not diminish any individual Councilor's right to go and testify as a citizen.

Mayor Myers started with the first group of policy proposals, Municipal Administration and Finance Management. He asked the Council if they had anything they wished to pull.

Councilor Cheney asked to pull #8 and #15.

Mayor Myers asked the Council for a consensus that the Council agrees on the remaining items.

The Council discussed the two issues.

Councilor Scott referred to #14, Affordable Housing, and discussion ensued.

Mayor Myers asked for a motion that the Council does not support any legislation relative to the development of affordable housing.

Deputy Mayor Trefethen said he would make a motion, seconded by Councilor Weston.


Consensus Vote: 7 votes to remove #14.

Mayor Myers moved on to General Government, Revenue & Intergovernmental Relations. He asked the Council if they had items they would like to pull for further discussion.

Councilor Cheney asked to make a motion to not support #2.

Councilor Dede asked to pull #4 and #11.

Mayor Myers asked if the Council agreed with the rest of the positions stated in this section.

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The Council discussed #2.

Councilor Cheney made a motion to not support #2; seconded by Councilor Callaghan.

Consensus Vote: 8 votes to not support #2.

Councilor Scott asked to pull #3, #11, and #14.

The Council discussed #3.

Councilor Scott made a motion to remove #3. There was no second.

The Council discussed #4.

Councilor DeDe made a motion to not support #4; seconded by Deputy Mayor Trefethen.

Consensus Vote: 8 votes to not support #4.

The Council discussed #11.

Councilor DeDe made a motion to make this part of the State Constitution. There was no second.

Councilor Scott made a motion to remove #11. There was no second.

The Council discussed #14.

Councilor Scott made a motion to eliminate #14. There was no second.

Mayor Myers said the Council would not support #2 and #4.

Mayor Myers moved on to Planning and Environmental Quality. He asked the Council if they had items they would like to pull for further discussion.

Councilor Cheney said she just wanted to discuss #10.

The Council discussed #10.

Mayor Myers continued to the floor policy proposals that came after the deadline for submission, and asked the Council if they had any concerns about them. Mayor Myers, seeing none, said there would be a resolution prepared for the agenda for the September 10, 2008 Council Meeting showing the specific changes the Council had taken. He said if there wasn't any objection, he would be happy to represent the City and make those votes on the Council's behalf at the September 12, 2008 meeting.

## 2. GOALS AND EXPECTATIONS OF CITY MANAGER

Mayor Myers went over the procedure for this portion of the Workshop. He referred to the several handouts and asked Councilor Callaghan to start.

Councilor Callaghan said what he was aiming for was a job description, which the Council can later write a performance review on, perhaps using the handbook that wasn't used the last time. He said he also felt it would give a clearer picture that defines the requirements of the actual contract that the Council has with the City Manager. He said it was general and asked to use it to build, make changes or remove items, and set objective ratings, in addition to specific tasks and goals the Council will put together.

Mayor Myers asked Councilor Callaghan if he created this job description as opposed to specific goals.

Councilor Callaghan said that was right. He said his goal is to focus more on behavioral and decision making capabilities, rather than saying: here is a list of 17 tasks, did he get them done, and did he do them in a way that the Council agreed that he did? He felt it was unclear in the process that he just went through. He said he knew it was the City Manager's job to try to appease the Councilors, and that position generally has to find some common ground with each of the members of the board, and shouldn't focus only on the group that represents the majority.

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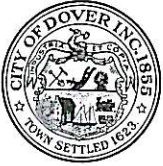
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He said a clear set of goals and objectives, and some interactive work based on those objectives, would get the Council to a better relationship with the City Manager. Mayor Myers said the Council would discuss that as they go along. Councilor Weston said she had a very difficult time with the scoring grid for the previous evaluation. She said she researched city manager evaluations across the country and came up with her handout for the Workshop. She said she felt the ten-point scale was not accurate. She discussed her preference of a 5-point scale. Mayor Myers asked for comments on the preference of a 5-point or 10-point scale. Deputy Mayor Trefethen said if the Council is going to keep a similar type evaluation, then the same scoring grid works better. Councilor Scott said he liked the 10-point scale better. Councilor Carrier said he didn't see where it really mattered. Councilor DeDe said he is for a number scoring, but not the way it's been used in the past. He said there has been too much latitude and room for the Council to play games. Councilor Callaghan pointed out that the Employee Manual uses the 5-point scale. Mayor Myers asked Councilor Dede to discuss his recommendation for scoring. Councilor DeDe said the goals for the past year was designed for an objective ranking, but he felt it was anything but. He went through the example of the Budget and the Council's differing scores in the evaluation. He felt the evaluation had to be objective. If the City Manager completed the goal, then he would receive a 10. If a Councilor said "No, he didn't do it," then they have to present a case to convince the Council, on a 5/4 basis, that the City Manager did not do it. He went through his handout and the scoring process. He said he felt that there should be task-related assignments for the City Manager, but when they're done he deserves the credit for it, and the Council needs to take away the opportunity to deliberately sandbag the report with false information. Mayor Myers gave a summary of Councilor DeDe's scoring. Councilor DeDe said the City Manager served the body of the Council, not every single Councilor. Councilor Cheney said she had a problem with an all-or-none scoring system. Councilor Callaghan said he felt it was out of balance. He felt the specific tasks didn't deserve 75% of the grading, and it needs to have variable grading. He said the most important part of the City Manager's job is the actual performance in the job description he submitted. Councilor Scott said he would like to see one numerical basis for measuring the City Manager, and he suggested reducing the head count by 5%. He said there had to be ranges in the scoring. He said he agreed with Councilor Callaghan that you don't give 75% for certain tasks. He said it was the general management that the Council should be looking at. Councilor McCusker said he felt the scoring simplifies things. Deputy Mayor Trefethen said he wanted to simplify things. He felt the grading system would be easier if the Council could 100% agree on what the goals were and agree on exactly what they meant. He agreed with Councilor DeDe's grid with fewer goals. Mayor Myers said he felt the all-or-nothing approach didn't give any leeway. He gave the example of the City Clerk/Tax Collector and that it would have been a failing grade. He agreed more with Councilor Weston's 5-point scale. He also said he agreed with Deputy Mayor Trefethen that there should be fewer goals.

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Councilor DeDe said the Council needs to avoid putting in specific tasks that may not be done and are beyond the City Manager's control. He said the ten goals in his handout were in the control of the City Manager, and mostly dealt with the Council's and City Manager's #1 job, budget and cost-saving programs.

Councilor Callaghan discussed the pass or fail scoring. He also said the 150 word narrative is short. He said he will ask that the Council adopt a job description.

Councilor Weston said in her research the evaluations all had a job description. She said she didn't like the pass or fail scoring, and felt it wasn't fair to the City Manager. She said she is really favoring the 5-point scale. She said the pass or fail scoring doesn't account for the City Manager going above and beyond.

Mayor Myers said he wanted to open the floor for suggestions of specific goals.

Councilor Weston spoke of her research of goals and pulled the ones that she had heard mentioned by the Council.

The Council worked through Councilor Weston's list of goals.

Deputy Mayor Trefethen felt the list was what the City Manager does on a day-to-day basis, and that should be expected and not evaluated on. He wanted to know if she wanted to add specific goals for the City Manager.

Councilor Weston said she wanted to evaluate on whether the City Manager was personable and available, and not just on whether he gets the goals done.

Councilor Cheney said she brought in her list from last year, because she only got a part of what she wanted last year. She said she felt it was a combination of both. She read from her list and compared it to Councilor Weston's. She suggested combining 1, 3, 4, and 6 of Councilor Weston's list to one goal.

Councilor DeDe said other than 9, 11, 15, and 16, every one of Councilor Weston's list would fit nicely in the narrative section of his evaluation section. He said they were all very general.

Mayor Myers said he was working with four documents and trying to get them into one.

Mayor Myers asked for a consensus of trying to combine 1, 3, 4, and 6 together.

Deputy Mayor Trefethen agreed the overall concepts should be combined, but he didn't know what the wording should be that the Council will agree on. He said there will be different levels of understanding with the wording. He referred to #6 on the list, and said he did that in the City Manager's Report. He said there were certain items that aren't in the City Manager's Report that are always going to be an issue that an individual Councilor thinks should be covered.

Mayor Myers said 7 and 14 could be combined.

Councilor Weston agreed.

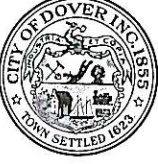
Councilor McCusker asked to compare Councilor DeDe's and Councilor Weston's lists. He said part of making this simple is being able to say with clarity 11 months from now, did he or didn't he?

Mayor Myers referred to Councilor Weston's list and said #12 didn't matter to him either way. He asked the Council if there was agreement to remove #12 and #13, try to find the wording to combine 1, 3, 4 and 6; and combine 7 and 14.

Councilor Weston asked to combine #9 of her list and #1 of Councilor DeDe's list. She also asked that #17 on her list be removed.

Mayor Myers asked about eliminating #11 from Councilor Weston's list, because #6 on Councilor's DeDe list was more specific.

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Councilor Scott said he wanted to insert a numerical goal, which is the reduction of head count of full-time by 5% overall.

He received no support from the Council.

Councilor Callaghan said he was mostly after the full-time employees. He would like to increase outsourcing to reduce retirement plan and healthcare contributions of City employees. He said by doing so, he doesn't want it to affect the Police, Fire, Library and Recreation programming or staffing.

Mayor Myers asked if it would be better to say explore opportunities for outsourcing within these departments, and list the departments that are acceptable, not unacceptable. He asked the Council if there was support.

Deputy Mayor Trefethen said Councilor Weston's list was not task oriented. It is more skill or operational oriented. He said Councilor DeDe's was task oriented.

Mayor Myers moved to Councilor DeDe's list, and asked if the specific tasks should be worked into the goals pertaining to the budget.

Deputy Mayor Trefethen said #1, #2, #3, and #5.

Mayor Myers said there seemed to be a consensus to combine #1, #2, #3, and #5. He continued on to #4, and that it tied into the decisions the Council makes on the budget. He said he felt the Council agreed that #6 was something that needed to be there. He asked for consensus from the Council that #7 stays in. He felt #8 didn't need to be in the list.

Councilor McCusker said it was something that the Council should make sure happened, because the Council spends a lot of time talking about energy and ways to save, because that is a substantial amount of money.

Councilor Weston agreed that it should stay in to make sure it gets done.

Councilor Callaghan suggested that it be on the list of projects underway, as part of that one objective that includes all of the different projects, and a reporting structure.

Councilor Cheney said she doesn't feel it should be on this report, because the City had an energy audit done. She said they haven't even reviewed that energy audit, and now the Council wants to do another one.

Mayor Myers referred to #9 on Councilor DeDe's list, and asked if that was something that was coming back to the Council.

City Manager Joyal said the Planning Board will be coming to the Council with a report.

Mayor Myers asked if ultimately the vote was coming from the Planning Board.

City Manager Joyal agreed.

Mayor Myers referred to the last item on Councilor DeDe's list.

Councilor DeDe said he knew there were some areas of inconsistency with Codes and Ordinance.

Councilor Cheney said that was more the City Attorney's job and the Council doesn't evaluate him.

Mayor Myers asked for a consensus.

Councilor McCusker said it should be proactively approached and overseen by the City Manager, and he would like it left there.

Councilor Callaghan said it was a huge project that would constantly be changing and the City Manager didn't have the resources to do it within a year.

Mayor Myers asked if the Council can leave it in for now, and have some of the sponsors come in with specific ideas, and the Council can decide to keep it as a goal at that time.

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Councilor Callaghan said that would work.

Mayor Myers moved on to Councilor Trefethen's list and referred to Channel 22.

Councilor Trefethen spoke on the issues of Channel 22's programming, the equipment needing to be replaced, and expanding to include School programs.

Councilor DeDe said this was something he wasn't sure could be completed in a year.

Councilor Callaghan asked if Channel 22 was going to be taken over by the School Department.

City Manager Joyal said possibly. The Ad Hoc Cable Policy Committee that has been established is basically working on two charges established by the Council. One was to coordinate and advise on the renovation of the studio space in the McConnell Center, and the second was to come up with some recommendations for the ongoing policy and operation of the Cable Access System. He said one of the things that has come out of this is that the School Department be approached about becoming more actively involved in managing and administering the channel, both for education purposes and some administrative and financial benefits.

Councilor Callaghan said he would only be responsible for the completion of this as long as it stayed under the City Manager's control.

City Manager Joyal said he felt it would always be a responsibility. He said the Cable Franchise Agreement is administered by the authority of the City Council, and therefore becomes the City Manager's responsibility to administer the contract.

Mayor Myers moved on to the City Clerk/Tax Collector office.

Councilor Cheney asked if this included all of the City Hall renovations.

Deputy Mayor Trefethen said this involved just the combination of the offices.

Councilor McCusker asked if it was doable in the next year.

City Manager Joyal said yes, the City was well underway with that and it should be completed before the holidays.

Mayor Myers referred to the last item on the list, and asked if the Council wanted to keep that as a goal. He said that concluded the lists of ideas that were submitted.

Councilor Cheney said she would like, as part of the City Hall renovations, a point of access for the public, so they could access the City's information on a computer, or access the City's website.

Councilor DeDe asked if that was in the budget.

City Manager Joyal said not specifically, no.

Councilor DeDe said unless the Council brought forward a resolution to have a budget exception to approve this, it would be inappropriate to have this as an objective, because it wasn't clear that there are sufficient funds to do this.

Councilor Cheney said no printers. She is talking about a point of access to the system or internet. She said any old computer could do this, and it shouldn't be a budgetary concern.

City Manager Joyal said he knew what Councilor Cheney is looking for and said they are striving for that.


Deputy Mayor Trefethen said he gets the feeling that someone wanting this would be someone who didn't know computers.

Councilor Cheney said she felt it was something proactive.

Councilor Scott said he liked the idea. He said most towns already have this.

City Manager Joyal said it involves more than just putting computers there. It involves security issues, exposing network connection in a public space, which potentially could involve a breach.

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He said the IT staff could work around all those issues, but then it becomes expensive. He wanted to put these computers within the offices so the public can come in and if a staff person says it's on the internet, then they can show them where it is. He said there are computers in the Library and the McConnell Center for public use, and that deals with people who don't have computers at home. His expectations are that two specific offices will have at least one workstation, if not several, where a City employee will assist a customer with getting access to information that is on the internet. He said he didn't envision it being a place where folks could sit down and spend all day on the internet.

Councilor Cheney said she was concerned about finding out about and preventing companies from taking water, and if there was some way to set a goal for the City Manager to try and prevent this from happening.

City Manager Joyal said the Council could have any goal it wants, but he said protecting the water supply is a goal that he works for diligently. He said at this point it is in the hands of the state permitting agencies, and there is not a lot of regulatory muscle that they have to prevent the extraction of water by somebody that is already allowed to do that. He said they have been working with an entity trying to mitigate the impact to the City's water supply. He said the water supply and anything to do with public safety will always be a priority for him and his staff.

Mayor Myers said this was an issue that was coming before the legislature, giving the City final approval on companies extracting water from aquifers for bottling purposes.

Councilor Carrier said he had one concern. He said one councilor may make a comment as to a question to the City Manager that he achieved his goal, but another Councilor may not have known what the City Manager has done for all of his homework and not believe it. He said the City Manager should have a right to say, "Here is a list of everything that I have done." He said sometimes the Council doesn't know what he has done. He stays up into the middle of the night sometimes, sending the Council emails, and he does a tremendous job during the day. He said the City Manager is here basically 24/7, and the Council is not. He just wants to make sure that the rating the Council gives him has all the information on all of the things that he is doing.

Mayor Myers said the Council had the City Manager give the Council the updates and backgrounds of what he did on each of the goals and objectives.

Mayor Myers said it was his intention at this point to try and consolidate what the Council has done into a draft document, meet again in another workshop at the end of the month or in October to fine tune it there, and then have a resolution in October. He asked the City Manager if he had any concerns.

City Manager Joyal said he liked the fact the Council discussed making some adjustments to the evaluation process, focusing on both competencies and tasks. He said he didn't want the Council to focus on scores, but on comments and feedback. He also would like it more than once a year. He said he asks on behalf of the entire Council, not individuals, but he does listen and tries to respond. He also felt the Council should welcome feedback from him as well, on their performance, because collectively they work as a team serving the community. He said in order for the Councilors to be successful he needs to be successful, and vice versa.

### 3. ADJOURN

Councilor DeDe made a motion to adjourn; seconded by Deputy Mayor Trefethen.

# 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

programs like a business and have a more effective way to track revenues and expenses out of this separate fund. In addition, surpluses from some programs could be used to subsidize others within the same functional area. **Submitted by Russell Dean, Town Manager, Exeter.**

## RECOMMENDED STANDING POLICY POSITIONS

### **11. Governing Body Recommendation For All Warrant Articles.**

To see if NHMA will SUPPORT legislation to permit governing bodies to state their position on any warrant article where they are not currently required to state a position. **(Existing policy.)**

### **12. Supervisors of Checklist Sessions.**

To see if NHMA will SUPPORT legislation to reduce to one the number of required sessions that the supervisors of the checklist must meet prior to town elections. **(Existing policy.)**

### **13. Tax Bill Information.**

To see if NHMA will SUPPORT legislation to amend RSA 76:11-a to allow those municipalities which have adopted the deaf exemption to include the word "deaf" following the word "blind" in the information contained on tax bills. **(Existing policy.)**

### **14. Affordable Housing.**

To see if NHMA will SUPPORT legislation relative to the development of affordable housing which:

- a) implements, but does not exceed, the requirements of the *Britton v. Chester, 134 NH 439 (1991)*, Supreme Court decision;
- b) creates incentives for the development of affordable housing, but does not divert state sources of municipal revenue for any state-wide affordable housing initiative;
- c) considers the financial impact on a community such as education costs and the costs of providing services;
- d) creates methods for ensuring that such housing remains affordable.

And further to see if NHMA will OPPOSE any legislation which would curtail municipal land use authority. **(Existing policy.)**

### **15. Appointment of Town Clerks and Town Clerk/Tax Collectors.**

To see if NHMA will SUPPORT an amendment to RSA ch. 41 to give towns the option to authorize the governing body to appoint or elect town clerks and town clerk/tax collectors.

**Municipal interest to be accomplished by proposal:** With all the technicalities in the Towns Clerk's office, the incumbent person should be knowledgeable in this area, and possess the administrative skill to conduct the affairs of that office. This is not unlike any other

position in town or city government: the persons filling those positions should be amply qualified to administer their office.

**Explanation:** With all the nuances in the election laws, right to know laws, vital records and statistics, this position should be filled by a person who is qualified to hold the position, rather than popularly elected. This position has been help by NHMA and a Standing Policy Position of the Municipal Administration and Finance Management Committee for years. It has been opposed by the Clerk's Association for years for autonomy reasons, and for the reason that in smaller towns, the Town clerk is paid for by the issuance of permits. Not all communities are that size. It should enable a community to make its own decision on this position. In many communities, even if elected, they are part of their town's team, in others only when additional support is needed. The choice should be clear for each community. **Submitted by Russell R. Marcoux, Town Manager, Bedford and modified existing policy.**

#### **16. Bond Ballot Voting.**

To see if NHMA will **SUPPORT** legislation reducing the one-hour requirement that ballot boxes be open at town meeting for voting on certain bond issues.

**Municipal interest to be accomplished by proposal:** allowing small towns the ability to work more efficiently at town meeting and keep attendance from dwindling while people wait for results of a vote.

**Explanation:** In 2008, Bradford had two bond articles for a highway garage (on different sites) so they could not be voted on together. After debate and voting, we could not announce a result until after 9:30. We also had to pass over many other articles that related to capital reserve funds until we knew the results of the bond article. At 9:50 we knew the first bond article did not pass, so we opened the ballot box for the next bond article and could not close that box until 10:50...even though the 150 or so people left in the room voted in 5 minutes. We had to sit for 55 minutes and drag out business until we could open the box, count and announce the results. Perhaps a solution would be to be able to close the boxes with a 2/3 vote of those present. **Submitted by Jon Steiner, Moderator, Bradford.**

#### **17. Municipal Recreation Programs.**

To see if NHMA will **SUPPORT** the exemption from state child care licensing for municipal recreation department programs and also support the exemption from state camp licensing for municipal recreation department summer programs.

**Municipal interest to be accomplished by proposal:** The licensing regulations for day care from DHHS and DES for camps do not fit municipal recreation departments and programs. Either licensing would create financial hardship for recreation departments to meet stringent requirements and regulations that do not apply to municipal recreation programs and may result in the elimination of quality programs.

**Explanation:** After a Senate study committee in 1994 and legislation, the exemption from child care licensing for municipal recreation departments was reinstated under RSA 170-E:3. There was some confusion as to what constituted a recreation program. There was further

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.**

# 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 Newton* 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.)**

Pull: General Gov't Revenue item # 4; Oppose adding Gas Taxes or tolls to expand, repair or create highways. Gas taxes affect every economic level. Lower income people who are forced to live further from economic centers are penalized more so because their transportation costs become a significantly larger percent of their gross income than those in higher earning brackets, who may even have company cars with gas not paid by the user. This is an inappropriate assessment approach.

Pull: General Gov't Revenue item # 11; YES! NHMA should support a concrete definition of an adequate education AND FURTHER, it should incorporate that definition into our Constitution so that legislators can't 'tinker' with the definition, depending on each year's budget constraints.

(This one item really needs a bi-partisan Committee to include non-New Hampshire expert consultants to provide a politically unbiased recommendation. Presently 'have-towns' are pitted against 'have-not' towns. The parochialism is an extreme impediment to any unbiased solution. The Committee's solution should be treated as a final *decision* and not subjected to the politicization process that exists between rich and poor towns.)

In addition, I would like to see a floor proposal to re-write the State's policy on assessing procedures. The present policy based strictly on the imputed value of a property is subjective and discriminatory to the detriment of property owners who maintain and improve their property. A procedure that is objective, rather than subjective is needed. The proposals would assume that different zones within municipalities have a dollar per square foot value based on location; that dollar per square foot amount would be applied to the square footage of the specific lot, and the assessment then becomes objective. Homes would be assessed based simply on square footage, with additions on a value by square foot basis for such things as a deck, covered deck, screened-in deck, jalousied-deck, extra kitchen, each bathroom, garages attached, garages un-attached, barns/storage buildings, In this manner a property owner that maintains and improves property will not be penalized for so doing and a 'slumlord' will not be rewarded with lower tax rates, given two equal properties in the same 'R' zone. New Hampshire's reputation is that it is the lowest tax rate state in the union, however it is most inequitably imbalanced, Retirees soon find this out. A retiree's property continues to grow in value and thereby increase the cost of living, while their income and purchasing power goes the other way.

New Hampshire Municipal Association  
2009-2010 Legislative Policy Process

Floor Policy Proposal

Submitted by (name): Susan Desruisseaux

Date: July 22, 2008

City or Town: Goffstown

Title of Person Submitting Policy: Town Administrator

Floor Policy Proposal approved by vote of the governing body on (date) 7/21/08

To see if NHMA will SUPPORT:

Legislation to waive municipal recording fees for the establishment and release of Elderly Deferrals at the County Registry of Deeds.

Municipal interest to be accomplished by proposal:

Saves money for municipalities.

Explanation:

Law(s) regarding Tax Collector liens allows municipalities to recover recording fees from the property owner

Law(s) regarding Welfare Liens waives all recording fees for those liens (RSA 165:28).

Law(s) regarding Elderly Deferrals does not allow the municipality to recover recording fees from property owner

nor does it waive the recording fees for municipalities which are currently at \$17.00 for the first page plus an

additional \$15.00 for each additional lien release. A one page release of ten years of liens costs the municipality

\$152.00. Eligibility for elderly deferrals is based upon income and assets much like welfare assistance. Therefore,

deferrals should be treated like welfare liens and the recording fees should be waived.

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 PO Box 617, Concord, NH 03302-0617; email to [governmentaffairs@nhlgc.org](mailto:governmentaffairs@nhlgc.org). **Must be received by August 6, 2008.**

New Hampshire Municipal Association  
2009-2010 Legislative Policy Process

Floor Policy Proposal

Submitted by James Trudell, Elaine Sherry, Stephen Moscicki

Date July 28, 2008

City or Town Lyman

Title of Person Submitting Policy Board of Selectmen

Floor Policy Proposal approved by vote of the governing body on July 28, 2008

To see if NHMA will SUPPORT an amendment to RSA 72:28, IV (a) to allow all veterans residing in the State of New Hampshire with an honorable discharge to qualify for the Standard and Optional Veterans' Tax Credit regardless of whether they served their country during the qualifying wars and armed conflicts currently listed or received the required medals.

**Municipal interest to be accomplished by proposal:**

Fairness and equality to all honorably discharged veterans. Recognition to all veterans for honorable service given to protect their country and its people no matter what the time frame of their service or the medals they received.

**Explanation:**

It became clear during the Town of Lyman's recent review of all veterans' tax credit applications that several residents, especially those who served in the Armed Forces during the July 1, 1958 -- Dec 22, 1961 portion of the Vietnam Conflict and were prepared and on alert to go overseas but were not deployed, are not qualified to receive the \$300 credit because they did not receive the required medals. These veterans, along with others who served their country but not during a qualifying war or armed conflict, receive other "veterans' benefits", but are not granted the veterans' tax credit.

New Hampshire Municipal Association  
2009-2010 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):   
(Vote 5-0 in favor)

To see if NHMA will /OPPOSE:

A Constitutional Amendment (CACR) to amend Part II, Article 6-A to clarify the uses of funds in the Highway Trust Fund.

Municipal interest to be accomplished by proposal:

By limiting the diversion of Highway Funds we will have adequate money to repair and maintain roads and bridges.

Explanation:

Today more than 40% of funds in the Highway Trust Fund are used for purposes other than for the construction and repair of our roads and bridges. (See attached table of expenditures).

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 that describes the nature of the problem or concern from a municipal perspective and discusses the proposed action that is being advocated to address the problem. Fax to 603.224.5406; mail to NHMA, PO Box 617, Concord, NH 03302-0617; or e-mail to [governmentaffairs@nhlgc.org](mailto:governmentaffairs@nhlgc.org). Forms must be received by August 6, 2008.

Table 1

## The Diversion of State Highway Funds<sup>2</sup>

To maintain and build roads and bridges, the State of New Hampshire receives funds primarily through tolls on state roads and the gas tax. While a significant amount of money has been received over the past five years (2003–2007)—from a low of \$215,000,000 to a high of \$273,000,000—not all of this money stays in the Highway Fund for its intended purpose.

Transfers (or “diversions”) of funds earmarked for the maintenance and construction of roads and bridges has been a common practice for many years. These diverted funds go to other agencies like Aid to Cities and Towns, Department of Safety, Health and Human Services, District and Municipal Courts and the Department of Justice.

In 2004, transfers to these agencies reduced the Highway Fund by 39 percent, and is expected to increase to 41 percent in 2008. In any given year, when these monies are diverted from their original intended purpose, fewer roads and bridges are repaired and constructed.

In 2006, Governor Lynch said that “state agencies must stop using highway funds like an ATM. We need to revisit which agencies receive highway funds, and for what purposes. We need to restore financial accountability and oversight of the highway fund.”

The following chart shows how money has been “diverted” from the Highway Fund to other state agencies:

CAFR	2004	2005	2006	UNAUDITED 2007	BUDGET 2008	BUDGET 2009
NET Highway Fund Appropriations	218,344,000	214,987,000	228,442,000	268,399,000	268,987,000	278,105,000
Transferred to Other Agencies						
Department of Safety	52,938,739	59,347,425	66,652,833	70,555,061	77,824,240	79,773,782
Health & Human Services	747,123	376,242	356,622	367,215	496,572	497,397
District & Municipal Courts	1,000,000	1,000,000	1,505,650	1,709,886	2,000,000	2,000,000
Superior Court	1,000,000	1,000,000				
Environmental Services	57,912	94,878	40,000	41,805	35,000	36,000
Highway Safety	414,034	415,983	377,894	400,401	484,742	493,909
Department of Justice	911,465	849,397	923,045	986,426	1,038,433	1,053,413
Tax & Land Appeals	129,296	155,297	170,704	164,04	245,116	247,249
Total Agency transfers	57,198,569	63,239,222	70,026,748	74,224,838	82,124,103	84,101,750
Block Grant Aid	27,238,545	29,450,081	28,819,383	28,456,617	29,100,000	29,100,000
NET Highway Fund Appropriations	133,906,886	122,297,697	129,595,869	165,717,545	157,762,897	164,903,250
Agency Transfer Statistics:						
Transfers As % of Net Appropriations	26%	29%	31%	28%	31%	30%
Transfer \$ Increase Over Prior Year	2,654,766	6,040,653	6,787,526	4,198,090	7,899,265	2,206,032
Transfer % Increase Over Prior Year	5%	11%	11%	6%	11%	3%
Office of Information Technology						
\$ Increase Over Prior Year				308,854	645,825	158,147
% Increase Over Prior Year				8%	16%	3%
Turnpike Transfer to Safety	3,927,547	4,066,964	4,510,403	5,215,681	7,324,716	7,487,233

Note: HB 25 Ch 228, L07, also provides \$59,895,260 in additional funding as follows:

	Biennium
Consolidated Federal Funds—State Match	
Betterment	27,695,260
State Highway Construction Aid	15,000,000
Municipal Bridge Program	3,600,000
The \$59,895,260 is NOT included in the operating Budget 2008 & 2009 above.	13,600,000

Additional information from the A Safer Road to Tomorrow Coalition ([www.saferoadsnh.com](http://www.saferoadsnh.com)).

New Hampshire Municipal Association  
2009-2010 Legislative Policy Process

Floor Policy Proposal

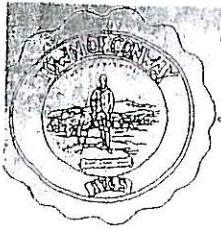
Submitted by (name):  Date:   
City or Town:  Title of Person Submitting Policy:   
Floor Policy Proposal approved by vote of the governing body on (date):   
(Vote 5-0 in favor)

To see if NHMA will /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 that describes the nature of the problem or concern from a municipal perspective and discusses the proposed action that is being advocated to address the problem. Fax to 603.224.5406; mail to NHMA, PO Box 617, Concord, NH 03302-0617, or e-mail to [governmentaffairs@nhlgc.org](mailto:governmentaffairs@nhlgc.org). Forms must be received by August 6, 2008.



# TOWN OF CONWAY

1634 EAST MAIN ST. • CTR. CONWAY, NEW HAMPSHIRE 03813

(603) 447-3811  
FAX (603) 447-1348  
WWW.CONWAYNH.ORG

May 29, 2008

Governor John H. Lynch  
State House  
25 Capitol Street  
Concord, NH 03301

Re: Methadone Clinics / Request to direct Commissioner of Health and Human Services not to accept any new applications for certification of methadone clinics in New Hampshire until an amendment to Chapter 318-B has been considered

Dear Governor Lynch:

Earlier this year, *Community Substance Abuse Centers*, a private for-profit company operating thirteen drug treatment centers in four New England states, decided to locate a methadone treatment clinic in the Town of Conway. This company, under the name *Merrimack River Medical Services*, operates three facilities in New Hampshire located in Somersworth, Newington, and Hudson.

As the Conway Selectmen are extremely concerned by this turn of events, we have made every effort to inform ourselves concerning the benefits and liabilities of locating such a facility in the Mount Washington Valley. According to the National Center for Health Statistics, nationwide methadone deaths have increased at a faster rate than any other drug related deaths from 786 deaths in 1999 to 4,462 in 2005. Maine tops the list for methadone overdose related deaths per capita and New Hampshire is tied for fourth. Furthermore, according to the U.S. Department of Justice (National Drug Intelligence Center Report of November, 2007), New Hampshire ranks fifth in the top ten states in the country for the highest percent increase in methadone deaths from 1999-2004.

Alarmed by these statistics and other information, the Selectmen have examined the laws and administrative rules of Vermont, Maine and New Hampshire. We have concluded the following: In 2000, New Hampshire passed SB 445-FB which became Chapter 318-B concerning methadone maintenance treatment. This legislation is very general, completely lacking provision for municipal approval regarding the location of methadone clinics or other specific policy directions. In addition, the Department of Health and Human Services was given complete authority through RSA 541-A (the Administrative Procedures Act) to include all such detail in Departmental Rules (HE-A 301-304). As the policy articulated in SB 445-FN (2000) was so vague, JLCAR (the Joint Legislative Committee on Administrative Rules) was powerless to limit the authority of the Department of Health and Human Services to include whatever the department and other interested parties saw fit. The appropriate checks and balances, as provided in the Administrative Procedure Act (RSA 541-A), are missing.

Chapter 318-B needs to be amended to include elements of local control including, but not limited to, approval by the municipal governing body as well as the health officer, the building inspector, the planning board, and the police department. In view of this serious discrepancy we, the undersigned, urge you to direct your Commissioner of Health and Human Services not to accept any new applications for certification of methadone clinics in New Hampshire until an amendment to Chapter 318-B has been considered.

For further reference concerning methadone clinics, we ask that you consult with former Vermont Governor Howard Dean at your earliest convenience.

*Please note: Signatures and cc's omitted.*



New Hampshire Municipal Association  
2009-2010 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:

Legislation to amend RSA 40:13, IX(b) to clarify the definition of the "Default budget" with language similar to that proposed in HB 479 (2007) [which would have provided a specific definition of "debt service," "employment contracts," "other obligations," and "one-time expenditures," which are terms appearing in the default budget statute, among other things. See <http://www.gencourt.state.nh.us/legislation/2007/HB0479.html>. ]

Municipal interest to be accomplished by proposal:

With a clear definition, School Boards, Selectmen, and Municipal Budget Committees will clearly understand what can and cannot be included in the "Default Budget."

Explanation:

- See
- 1) RSA 40:13
  - 2) former Selectman Karen Umberger's testimony on HB479 (2007) (attached)
  - 3) HB479 (2007) [link above]

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 that describes the nature of the problem or concern from a municipal perspective and discusses the proposed action that is being advocated to address the problem. Fax to 603.224.5406; mail to NHMA, PO Box 617, Concord, NH 03302-0617; or e-mail to [governmentaffairs@nhlgc.org](mailto:governmentaffairs@nhlgc.org). Forms must be received by August 6, 2008.

115713 115713

Good morning, I am Karen Umberger and currently a Selectman in the Town of Conway and the Selectman's representative to the Budget Committee. The Selectmen at their last meeting unanimously voted to support HB 479 and the amendments submitted by Representative Carolyn Brown. A copy of the letter of support is part of the package that has been provided to you.

RSA 40:13, Use of Official Ballot in Roman Numeral IX (b) defines how the default budget should be set. It also provides for the governing body to set the default budget unless the legislative body has given that right to the Budget Committee. In our town, the Budget Committee has the authority in accordance with RSA 40:14 b, to set the default budget for the town, but not the school. The Budget Committee, as a whole, has not had a problem with how the town interprets the current language dealing with default budgets. However, some members of the Budget Committee do have problems with the School Board's interpretation of the default budget. I'm sure other official ballot towns may in fact have problems with how their governing bodies set their default budget. I also firmly believe HB 479 will assist in clearing up many of the current problems.

The proposed legislation provides a clearer delineation of what can and should go into the default budget. The current legislation is open to various interpretations by governing bodies and neither the Budget Committee nor the legislative body can review or change the default budget. I will not repeat what the current legislation states as it has previously been discussed. {Currently the legislation reads: Default budget as used in this subdivision means the amount of the same appropriations as contained in the operating budget authorized for the previous year, reduced and increased, as the case may be, by debt service, contracts, and other obligations previously incurred or mandated by law, and reduced by one-time expenditures contained in the operating budget. For the purpose of this paragraph, one-time expenditures shall be appropriations not likely to recur in the succeeding budget, as determined by the governing body, unless the provisions of RSA 40:14-b are adopted, of the local political subdivision.}

The bill before you, HB 479, clearly describes what should be included in the default budget and closes most of the loopholes that currently exist. Representative Carolyn Brown inserted two amendments to this bill. The first one is a change to "Other obligations eliminating including fuel surcharge escalation clauses, fuel or electricity contracts, tuition contracts, or rental or service contracts. This section now reads: "Other obligations" means payment increases due to multi-year contracts approved by the voters by special warrant article in a previous year. The reason this is recommended for deletion is based on the following examples of what has been included in our School Board's default budget for the 2007-2008 default budget: Fuel Transportation, \$14,258 (no contract), Elementary School Reading Specialist, \$89,004 (new positions) Librarian \$47,667 (new position), \$647,376 for high school and middle school maintenance (additional positions and costs). I must be honest and let you know that we are opening a new high school in September, but the question still remains should these items be put into a default budget. It is my belief that they should not, no matter how loosely you interpret the current default budget definition. Our School Board also sites many budget increases as required because of the tuition contract. We have tuition contracts for grades K-12, as a receiving town, so they argue that budgeted increase for utilities, fuel oil, grounds maintenance, etc are covered by the tuition contract and therefore must be part of the default budget. I believe that unless you have a specific contract for a specified dollar amount required for the following year, it should not be part of the default budget.

The second amendment is to number 5 and it is eliminating the words explicitly mandated by statute. The new wording would be as follows: No new employees shall be added to the default budget unless approved by the voters by special warrant article. The reason for eliminating explicitly mandated by statute is our school board has indicated that the elementary school reading specialists included in the default budget are mandated by ED 306 which are the Minimum Standards for Public School Approval and therefore mandated by the state. I have read and reread ED 306 and no where can I come up with the mandatory requirement for all school districts to have elementary reading specialists assigned to each elementary school. {The NH Education web site says "An administrative "rule" is defined as a regulation or standard adopted by an agency to implement or make specific a law enforced or administered by the agency; or interpret a procedure or practice requirement binding on persons outside the agency. Rules shall be valid and binding on persons they affect, and shall have the force of law unless amended or revised. Rulemaking is therefore lawmaking, in areas which the legislature had decided are too specific or too detailed to be handled by legislation."} This change would clearly eliminate various interpretations by governing bodies of what is mandated by the state in laws and rules. If the state mandates a new position, it certainly would make sense to specify in the legislation or rules that a position is absolutely required.

I am very much in favor of HB 479 and I believe very strongly that it will go a long way to improving default budget calculations throughout the state as well as provide a choice for the voters. If the two amendments are added, the House Bill will provide additional clarification to default budget preparation. Thank you for your time.

New Hampshire Municipal Association  
2009-2010 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):   
(Vote 5-0 in favor)

To see if NHMA will  OPPOSE:

An amendment to RSA 485-C to give the municipal governing body the final approval authority on water withdrawals from aquifers for commercial bottling purposes.

Municipal interest to be accomplished by proposal:

With such a law, municipalities will gain control over the quantity of water being withdrawn in their town from aquifers.

Explanation:

~~See Attached:~~  
1) RSA 485-C:20

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 that describes the nature of the problem or concern from a municipal perspective and discusses the proposed action that is being advocated to address the problem. Fax to 603.224.5406; mail to NHMA, PO Box 617, Concord, NH 03302-0617; or e-mail to [governmentaffairs@nhlgc.org](mailto:governmentaffairs@nhlgc.org). Forms must be received by August 6, 2008.

# 2009-2010 NHMA Legislative Policy Process

## 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, 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 more effectively, efficiently and flexibly govern 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.

## 2009-2010 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 Municipal Advocacy Committee (MAC) is the board which oversees NHMA's advocacy activities. Legislative policy positions direct MAC and NHMA staff in representing communities before the legislature and state agencies.

2. **How were the recommendations to the membership prepared?** The NHMA operating agreement establishes a 75-member Committee on Government Affairs (CGA), which includes the members of MAC. The role of CGA is to establish legislative policy recommendations for consideration by the full NHMA membership and to join with staff in the advocacy of that legislative policy before the House and Senate.

CGA divided into three policy subcommittees following the same categories which have been used in the past for legislative policy setting: Municipal Administration and Finance Management, Planning and Environmental Quality, and General Government, Revenue, and Intergovernmental Relations. These three policy committees considered 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 held several meetings during the Spring of 2008 and developed 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 12, 2008, at 9:00 a.m. the 2009-2010 NHMA Legislative Policy Conference will be held at the Local Government Center 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 (1) 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 NHMA 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/Administrative Assistant

4. **Can a municipality propose any other policies at the conference?** Yes, a municipality wishing to propose an additional recommendation for NHMA legislative policy may submit a Floor

Proposal. *Floor Proposals must be approved by a majority vote of the governing body (Board of Selectmen, Aldermen, or Council) of the town or city submitting the proposal, and submitted, in writing by August 6, 2008.* This allows time for proposals to be printed and mailed so that all municipalities will have an opportunity to review them before the policy conference. Floor proposals should be in the same format as committee recommendations and a floor proposal form may be found on the Local Government Center (LGC) web site at [www.nhlgc.org](http://www.nhlgc.org). Please send to: NHMA Floor Proposals, Government Affairs Department, PO Box 617, Concord, NH 03302-0617, or fax to 224-5406, or e-mail to [governmentaffairs@nhlgc.org](mailto:governmentaffairs@nhlgc.org).

5. **How does our Voting Delegate determine a position of 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/she desires.
6. **How are the policy recommendations presented and voted on at the Legislative Policy Conference?** The Chair of the Legislative Policy Conference, MAC's President, introduces the entire set of recommendations of each policy committee, one committee at a time, as a slate. The co-chairs 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. When the slate from each policy committee has been voted, the Voting Delegates will then 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 special Voting Delegate Cards and a division vote (actual count) is taken.
7. **Are policies adopted by a simple majority vote?** No. NHMA's by-laws require a 2/3 vote of all 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 in order 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 2009-2010 NHMA Legislative Policy Positions will be printed as a supplement in the November issue of *Town & City* magazine. We will also post them on the LGC web site at [www.nhlgc.org](http://www.nhlgc.org).
10. **What happens if an issue is before the legislature that is not covered by any of these policies?** The Municipal Advocacy Committee determines the position that the staff will advocate on issues not covered by specific NHMA Legislative Policy. MAC also endorses a set of 10 Legislative Principles, which augment the specific legislative policy positions by setting forth general principles which guide staff in their advocacy efforts.

Rating *Weston*

1. Below Expectations (well below reasonable expectations)
2. Needs improvement (performance has been marginally below expectations)
3. Meets Expectations
4. Above Standard( performance has been above standard which is commendable)
5. Exceeds Expectations (performance has been above reasonable expectations)

Think of these as report card grade of:

- 1.F
- 2.D
- 3.C
- 4.B
5. A

1. Maintains effective communication, both verbal and written, with with the Council.
2. Plans materials for presentations in the most concise, clear, comprehensive and timely manner.
3. Responses to requests are made promptly and completely.
4. Remains open and accessible to all members of the Council equally
5. Sustain efforts to preserve transparency and openness with the Council, employees and the public.
6. Keeps the Council informed on problems, issues and progress on projects.
7. Is responsive to requests and suggestions made by the Mayor/Council
8. Handles emergencies and crisis effectively.
9. Clear budget planning and presentation.
10. Ability to organize programs to increase efficiency and effectiveness.
11. Effective public contact( Establish quarterly public forums)
12. Relationship with the News Media
13. Poise Under Pressure
14. Receptiveness to Suggestions
15. Assure that organizational overhead (Human Resources, Finance, Legal and Information Technology) is comparable to and competitive with private and public Organizations.
16. With the establishment of performance measures, create and use measures of cost effectiveness. Cost-effective measures are persistently pursued.
17. Positive relationship with surrounding cities/towns.

List of goals....

## **Trefethen – Proposed City Manager 2009 Goals – Sept 3, 2008**

Complete study and implement developer paid impact fees

Create 20-30 page budget summary as separate booklet for 2010 budget

Rebuild Ch 22 equipment and expand offerings

Complete consolidation of clerk/tax collector offices

Establish quarterly public info sessions

Complete implementation of updated financial software

*Pede*

	Dates	Points	ward 1	Ward 2	Ward 3	Ward 4	Ward 5	Ward 6	AL-Wstin	AL McCskr	Mayor	Total
			City Council									
	Highest Priority											
#1	Provide Budget to Meet Tax Cap requirement	10										0
#2	Offer budget alternative choices by \$ amount	10										0
#3	Prepare a 30 page budget Summary *	10										0
#4	Establish Dept head goals by 4/15	10										0
#5	Hold budget summary hearings (2) by 5/15	10										0
#6	Host quarterly public info sessions **	5										0
#7	Advise CC on Outsourcing opportunities ***	5										0
#8	Complete Energy Audit & Reprto to CC	5										0
#9	Review & advise CC on Impact Fee changes	5										0
#10	Do housekeeping on Codes/Ordinances	5										0
	Basic Tasking' Score.											
#12	100 to 150 word narrative on:											
	City Manager Cooperative attitude											
	City Manager Accessibility											
	City Manager Management Style											
	City Manager Communication											
	City Manager Responsiveness											
	only 25 maximum points for this category:	25										
	Total Possible Points = 100.											
*	Two sections; 20 pages for Operating Budgets and 10 pages for Revenue Accounts											
**	Hold qtrly info sessions on the following topics:											
	1) Road/Sidewalk Repair, Replacement & maintenance schedule;											
	2) Dover Website navigation											
	3) Parking, Traffic & Crosswalk issues											
	4) Regionalization of Services											
***	Specifically, look at grounds and Cemetary, and invite the County Commissioner to a workshop to make his recommendations											

Rated By: \_\_\_\_\_

Callaghan

Job Description

Dover, NH

City Manager

Page 1 of 3

Submitted by Councilor Callaghan

9/3/2008

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GENERAL PURPOSE

Under general policy guidance from the City Council, plans, organizes, integrates, fiscally controls, directs, administers, reviews and evaluates the activities, operations, programs and services of the City of Dover; serves as the top appointed executive in the City, responsible for carrying out the policies and programs determined by the elected City Council; ensures development and execution of the municipality's strategic plan and one-year budget; ensures City government operations and functions effectively serve the needs of Dover residents and other stakeholders, while complying with applicable laws and regulations; and performs related duties as assigned by the City Council.

DISTINGUISHING CHARACTERISTICS

The incumbent of this position is appointed by the City Council and serves as the chief executive of Dover's municipal government.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to this position.

Plans, organizes, controls, integrates and evaluates the work of all City departments to ensure that operations and services comply with the policies and direction set by the City Council and with all applicable laws and regulations; with the City's management team, develops and recommends adoption of the annual budget and other business, infrastructure and resource plans; directs the development of the capital improvement plan budget for approval by the Council; monitors the implementation of adopted budgets.

Plans and evaluates management staff performance; establishes performance requirements and personal development targets; regularly monitors performance and provides coaching for performance improvement and development; provides compensation and other rewards to recognize performance; takes disciplinary action, up to and including termination, to address performance deficiencies, in accordance with the City's personnel rules and policies.

Provides leadership and works with the management team to develop and retain highly competent, public-service oriented staff through selection, compensation, training and day-to-day management practices that support the City's Charter, mission, operating plans and objectives.

Job Description  
Dover, NH  
City Manager  
Page 2 of 3

44

45 Assesses community and citizen needs and ensures objectives and priorities are  
46 focused on meeting those needs effectively, efficiently, and with high-quality  
47 municipal services; directs development and implementation of initiatives for  
48 service quality improvement; provides day-to-day leadership and works with the  
49 City's management team to ensure a high-performance, service-oriented work  
50 environment consistent with sound management principles.

51

52 Works closely with the City Council, a variety of public, private and community  
53 organizations and citizens groups in developing and implementing programs to  
54 achieve City priorities and solve community problems; directs and coordinates  
55 preparation of analyses and recommendations on public policy issues and on  
56 long-range plans for City services; develops and coordinates proposals for action  
57 on current and future City needs; represents the City and works closely with  
58 appointed boards, committees, and public and private officials to achieve  
59 planned action and results.

60

61 Develops Council meeting agenda with Mayor, Deputy Mayor, and City Clerk;  
62 attends and participates in all City Council meetings.

63

64 Interprets City Council instructions and requests; makes interpretations of City  
65 ordinances, codes and applicable laws and regulations to ensure compliance.

66

67 Directs and oversees the preparation of a wide variety of reports and  
68 presentations for the City Council, citizen committees and outside agencies;  
69 oversees the preparation of press releases and materials for dissemination to the  
70 media and the public; maintains effective relationships with the media.

71

72 Directs and oversees the creation and maintenance of comprehensive, effective  
73 human resource management programs, policies and systems consistent with  
74 the City Council's guidance; directs and monitors the City's labor negotiations  
75 and labor relations programs and initiatives; directs the improvement of  
76 management systems, processes and measurement techniques to improve City  
77 operations and effectiveness.

78

79 Participates in regional, state and national meetings and conferences to stay  
80 abreast of trends and technology related to municipal programs and operations.

81

82 Participates in professional and community organizations on behalf of the City;  
83 maintains good working relationships with key community constituencies.

84

85 Provides personal leadership for projects and programs that are highly sensitive,  
86 political or controversial.

87

88 DESIRED MINIMUM QUALIFICATIONS

89 Knowledge of:

90 Theory, principles, practices and techniques of organization design and  
91 development, long-range planning, public administration, public financing,  
92 municipal budgeting, financial administration, program and policy formulation,  
93 purchasing and maintenance of public records; applicable state and federal laws  
94 and regulations governing the administration and operations of a municipal  
95 agency; City functions and associated management, financial and public policy  
96 issues; organization and functions of an elected City Council; Roberts Rules of  
97 Order 10<sup>th</sup> Edition, NH Right to Know Law, and other regulations governing the  
98 conduct of public meetings; principles and practices of public personnel  
99 management and labor management relations; the City's personnel rules and  
100 policies; social, political and environmental issues influencing program  
101 development and administration in a New Hampshire coastal community;  
102 principles and practices of effective leadership and management; principals and  
103 practices of sound business communications; techniques of effective public  
104 relations.

105

106 Ability to:

107 Plan, integrate and direct a broad range of complex municipal services and  
108 programs; define complex public policy, management and operational issues;  
109 perform complex analyses and research, evaluate alternatives and develop sound  
110 conclusions and recommendations; present proposals and recommendations  
111 clearly and logically in public meetings; understand, interpret, explain and apply  
112 city, state and federal laws and regulations governing the conduct of City  
113 operations; evaluate, develop and implement management systems, policies and  
114 controls; exercise expert, independent judgment within general policy guidelines;  
115 prepare clear, concise and comprehensive correspondence, reports and other  
116 written materials; establish and maintain effective working relationships with the  
117 City Council, all levels of City management, other governmental officials,  
118 community and civic organizations, employee organizations, employees, the  
119 media and the public; exercise tact and diplomacy in dealing with highly sensitive  
120 political, public policy, community and employee issues and situations.