

# Bill as Introduced

HB 539-LOCAL - AS INTRODUCED

2009 SESSION

09-0369

06/09

HOUSE BILL            **539-LOCAL**

AN ACT                relative to town boundaries and the laws pertaining to such boundaries.

SPONSORS:            Rep. Theberge, Coos 4; Rep. Butterworth, Ches 4; Rep. Patten, Carr 4;  
Rep. Ingersoll, Coos 4; Sen. Gallus, Dist 1

COMMITTEE:          Municipal and County Government

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ANALYSIS

This bill modifies certain procedures for the perambulation of towns.

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Explanation:        Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nine*

AN ACT relative to town boundaries and the laws pertaining to such boundaries.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Perambulation of Towns. RSA 51:2 - RSA 51:8 are repealed and reenacted to read as follows:

2 51:2 Perambulation of Town Lines. The lines between cities or towns in this state shall be  
3 perambulated, and the marks and bounds renewed, once every 7 years, by the governing body of the  
4 cities or towns, or by the county commissioners in the case of unorganized towns, and by such  
5 persons as they appoint in writing for such purpose. At least one person from each town to be  
6 perambulated shall be appointed. A copy of the return of the perambulation shall be submitted  
7 under RSA 51:4 to the governing body of the city or town, or to the county in the case of unorganized  
8 towns. A copy of the return shall also be submitted to the department of state, division of archives  
9 and records managements, the department of transportation, the office of energy and planning, and  
10 NH GRANIT of the university of New Hampshire. Additional persons may be appointed from local  
11 youth organizations and local planning and conservation boards to perform the perambulations.

12 51:3 Additional Perambulation. If the governing body of a city or town, or the superior court of  
13 the county in which such city or town is located, finds it necessary for town lines to be perambulated  
14 or any marks and bounds to be renewed at times other than those specified under RSA 51:2, the  
15 governing body or court may give notice to the governing bodies of adjoining cities or towns and the  
16 procedure for such perambulation or renewing of bounds shall be the same as under RSA 51:2, and  
17 RSA 51:4 through RSA 51:7. If bounds are renewed because of damage or removal, the return shall  
18 be accompanied by a recorded plan from the appropriate county registry, made by a land surveyor  
19 licensed under RSA 310-A:67 at the time the survey for urban, rural, or forest land was made.  
20 Placement of the new bound shall be ratified in the manner provided in RSA 51:9.

21 51:4 Return.

22 I. A return of the perambulation, including the date of the perambulation; the names of the  
23 persons perambulating each line and bound; and the signatures of the governing body of the city or  
24 town or the persons making the perambulation, shall be made at each bound, specifically describing  
25 the following:

- 26 (a) The courses and distances and the marks and monuments of each line.  
27 (b) Digital pictures of the bound.  
28 (c) Global positioning system coordinates with equipment, datum, and precision identified.  
29 (d) Description of the bound location and any identifiable tie points for the location.

30 II. Copies of the return shall be submitted as required under RSA 51:2 at the time of  
31 completion the perambulation.

**HB 539-LOCAL - AS INTRODUCED**

**- Page 2 -**

1        51:5 Notice. The governing body of the city or town first incorporated, or if both were incorporated on  
2 the same day, the city or town which is highest in the proportion of public taxes, shall give to the  
3 governing body of the adjoining cities or towns notice of the time and place of meeting for such  
4 perambulation a minimum of 30 days before the day of meeting. Notice shall be posted in the cities and  
5 towns in 2 local newspapers at least 10 days before the day of the meeting. Individual owners, identified  
6 by tax records, of property that abuts or is bisected by the lines shall be notified in writing at least 10 days  
7 before the day of the meeting. After notice has been made, the governing body of the city or town and its  
8 agents or appointees may enter upon any lands in the state to perform its duties under this chapter.

9        51:6 Penalty for Neglect of Governing Body to Give Notice or Attend. If the governing body of a city  
10 or town or the county commissioners neglects to give notice under RSA 51:5, or neglects to attend  
11 agreeably to such notice, or if the governing body of a city or town neglects to cause a return of such  
12 perambulation to be made and recorded, each city or town so neglecting shall be subject to the following  
13 fines to be levied by the superior court upon petition of a city, town, county, or any owner of individual  
14 property abutting or bisected by a line. Any fines collected shall be distributed with  $\frac{1}{2}$  for the use of the  
15 town whose governing body has not neglected its duty, or in the case that both have neglected their duty,  
16  $\frac{1}{2}$  for the use of individuals having petitioned and the other  $\frac{1}{2}$  for the use of the county. If the duties of  
17 the governing body of the city or town have been performed in every 7-year period, there shall be no fine.  
18 If the duties of the governing body of the city or town have not been performed by the 8<sup>th</sup> year period, the  
19 fine against the non-compliant city or town shall be \$500 for each line and \$5,000 for each year of non-  
20 compliance thereafter, but not to exceed \$70,000 for each line between cities and towns.

21        51:7 Disagreement.

22        I. When the governing body of an adjoining city or town disagrees in renewing and  
23 establishing the lines and bounds of such towns within the 7-year period, the superior court for the  
24 county in which the city or town first incorporated or paying the highest tax is situate, upon petition  
25 by a city or town, county commissioners, or individuals abutting or bisected by a line and after notice  
26 to the other interested cities or towns, shall either examine said disputed lines or appoint a  
27 committee for that purpose. The court's decision thereon shall be final and the court may order  
28 either or both towns to pay the costs, as deemed just.

29        II. For a dispute as to the actual location of a city or town line arising in a matter on appeal  
30 before the board of tax and land appeals pursuant to RSA 76:16-a, the board of tax and land appeals  
31 shall have concurrent jurisdiction with the superior court and shall have the authority granted the  
32 superior court in paragraph I.

33        51:8 By County Commissioners. When the place next to any town has no organization and is on the  
34 line of adjoining counties, the county commissioners of the county in which the place is situated shall be  
35 empowered to act in the perambulation of the line between the county and town, and shall be notified and  
36 proceed in the same manner and subject to the same liabilities as the governing body of the city or towns.

37        2 Effective Date. This act shall take effect 60 days after its passage.

# Committee Minutes

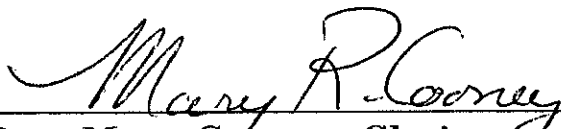
**HOUSE COMMITTEE ON  
MUNICIPAL AND COUNTY GOVERNMENT**

**BILL NUMBER: HB 539**

**BILL TITLE: relative to town boundaries and the laws  
pertaining to such boundaries..**

**DATE: February 17, 2009**

**THE COMMITTEE HAS VOTED TO RETAIN THIS BILL.**

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**Rep. Mary Cooney, Chairman**

# Speakers





# Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 539-LOCAL

**BILL TITLE:** relative to town boundaries and the laws pertaining to such boundaries.

**DATE:** February 11, 2009

**LOB ROOM:** 301      **Time Public Hearing Called to Order:** 10:15 am

**Time Adjourned:** 11:21 am

(please circle if present)

**Committee Members:** Reps. ~~Cooney~~, ~~Gagnon~~, ~~Osborne~~, ~~L. Brown~~, ~~LaLiberte~~, ~~Wheeler~~, ~~Boisvert~~, ~~Carlson~~, ~~Lauterborn~~, ~~Lewis~~, ~~Schuett~~, ~~Patten~~, ~~Boyce~~, ~~C. Soucy~~, ~~J. Sullivan~~, ~~Crisler~~, ~~Ferrante~~, ~~Perkins~~ and ~~Sterling~~.

**Bill Sponsors:** Rep. Theberge, Coos 4; Rep. Butterworth, Ches 4; Rep. Patten, Carr 4; Rep. Ingersoll, Coos 4; Sen. Gallus, Dist 1

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

\***Prime Sponsor Rep. Theberge** introduced the bill. \*Proposed Am. Worked on a study committee on this issue. Language did not come out of legislative services as planned. His written notes have been in a fire and electronic notes are tied up in FairPoint 'never-never land.' Will answer questions after other speakers.

\***Gerald Miller**, Chair of NH Land Surveyors Assoc. Supports the bill. \*Written testimony. Cited an instance of a resident whose home was claimed by two towns, both trying to tax him. This legislation is attempting to get stronger enforcement for towns to do their work and correct the maps. If no action is taken in 7 years, the fine would be \$500. Currently fines are so low that this is put on the back burner. There is a 7 year time period in which to complete the entire town.

Rep. Sullivan: Is it accepted that a GPS device is valid or correct. Miller: A device can be set for different situations or circumstances. One of the goals is to teach users how to set them properly. The most current datum from the state must be used.

Rep. Sullivan: Is it possible that two groups using GPS could produce two different points. Miller: Yes.

Rep. Sullivan: Could it be significant? Miller: Yes. But the signals should be within 30 feet.

Rep. Cooney noted that the bill is scheduled to move on to Ways & Means committee. Rep. Theberge stated he would be willing to work with the committee to perfect an Amendment or could work with Ways and Means. There are many boundary problems, even between states. There may be a SB coming to do away with perambulation because the Senator attempted to do this during hunting season and was shot at.

Rep. Lauterborn: What is the other version. Theberge: Explained the two versions of revisions handed out.

Rep. Patten: Would be willing to work with Rep. Theberge to perfect this. Theberge: Would hope to do that.

**Hank Amsden**, land surveyor. Supports the bill. Recently was asked to do a surveying job for a proposed subdivision. Interviewed the original surveyor and asked him about the plans he received who was vague about how he derived his figures. This is not going to happen

overnight. A couple of small items: Original information needs to be put in a 'field book' as opposed to a data book. This would hold a sketch with data on who did the work, the weather and other factors. Notes do not have to be done by a licensed land surveyor. Such surveyor could look over the notes afterward and certify the correctness. I don't know about GPS but states that in order to locate accurate points, a licensed surveyor's equipment, while expensive, is the only accurate method. Handheld GPS will not be as accurate.

Rep. Boyce: If perambulation disagrees with recorded lines, what do they do? Amsden: First, the points to start from must agree, perhaps all they can do is identify problems.

Rep. Boyce: If the towns worked together with the same inspector, would that help? Amsden: When most towns were laid out, the bounds or landmarks have changed over time. These issues will always come up and must be dealt with.

**Brian Nelson Burford**, State Records Manager for State Archives and a Land Surveyor. Supports the bill. There is a serious need for perambulation. In 2005 this committee considered a bill to abolish the need for perambulation. Towns testifying on this bill stated that disputes had been satisfied years ago, then found that there was actually a dispute over town lines cutting across several homes. This affected where the children would go to school, which town should provide emergency services as well as taxation issues. The lines and landmarks erode over time. I was asked how many town lines get perambulated. Approx. 2-3% per year, between 17-18% during the 7 year time period. This is based on records we receive at the Sec. of State's Ofc. Empathizes with town officers and time constraints, but per the example cited, this can become a major issue. GPS is not the entire answer. Rep. Sullivan's question points to the possible problems involving calibration of two GPS instruments. Sees the problem of the erosion of landmarks.

Rep. Crisler: I have perambulated twice, only once met with selectmen from a neighboring town, is this often the case. Burford: The norm is that reps from both towns should be there to reach agreement on the landmarks. I don't know how many towns just do this on their own.

Rep. Crisler: Is it better to do a solo than none? Burford: Yes.

**Judy Silva**, NH Mun Assoc: Opposes the bill. We do agree that the issue of where town boundaries are located is important. Beyond that, we do not agree with much in this bill. The surveyors have put this bill in but we were not involved. There are some expensive stipulations involved in these requirements. Many of the items mentioned in this bill would require outside assistance rather than just being done by the selectmen and this would involve costs. Page 2, lines 18-20, there could be a fine up to \$20,000. Many towns border 5 or 6 towns which could mount to \$70,000 in fines. Rocks or trees can be very difficult to track today with the increases in development or construction, sometimes intentionally or innocently.

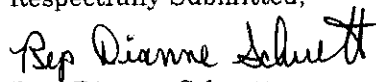
There is a statutory solution already for some of the problems cited by previous speakers. Surveyors had another bill in dealing with access to property to evaluate and I think some of those issues are involved in this bill. Many people do not want officials or private surveyors on their land. We would be happy to work with the committee or surveyors on these issues.

Rep. Boisvert: Would you work with Rep. Theberge? Silva and Theberge: Yes

Rep. Lauterborn: Issue of the fines, on line 13...if someone knew that the town could be taken to court just to collect half of the fine amount as stated therein? Silva: It appears this would allow that.

Rep. Sterling: How would you weigh the necessity against the fines? The fines are avoidable if the law is complied with. This seems a likely project for Boy Scouts, etc. Silva: I understand the fines are an incentive. I'm not sure you could have Boy Scouts do this. Do they know the landmarks, are they familiar with the equipment? I think this can be handled in individual cases for the issue of someone being 'claimed' by two towns.

Respectfully Submitted,



Rep. Dianne, Schuett  
Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

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Hearing, minutes on  
HB 539 Feb.11, 2009

Hearing opened at 10:15 a.m.

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Hearing closed at 11:21 a.m.

# Sub-Committee Actions



HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

SUBCOMMITTEE WORK SESSION ON HB 539-LOCAL

**BILL TITLE:** relative to town boundaries and the laws pertaining to such boundaries.

**DATE:** September 15, 2009

**Subcommittee Members:** Reps. Patten, Osborne, Lauterborn, Sullivan, Crisler, Laliberte, Cooney, Gagnon, and Wheeler

**Comments and Recommendations:**

**Amendments:**

Sponsor: Rep. OLS Document #:

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**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Lauterborn

Seconded by Rep. Crisler

Vote: 6-0

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Betsey Patten  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT  
SUBCOMMITTEE WORK SESSION ON HB 539-LOCAL

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Vote: 6-0

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Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Betsey Patten  
Subcommittee Chairman/Clerk

Sub committee

HB 539

9-15-09

There is a process in place when  
2 towns disagree. Both towns  
agree - bring to legislature -  
goes back to towns to ratify.

3 Examples of this happening  
Hampton - Seabrook  
Milford - Amherst

Rye - land in public trust

Gerald Miller surveyor testimony  
in support

Lauterborn recommend to committee  
to ITL 6-0



603-271-3600

HOUSE COMMITTEE RESEARCH OFFICE  
New Hampshire House of Representatives  
4th Floor, Legislative Office Building  
Concord, New Hampshire 03301  
TDD Access: Relay NH  
1-800-735-2964

**TO:** Representative Betsey L. Patten, Subcommittee Chair  
House Municipal and County Government Committee  
HB 539-L relative to town boundaries and the laws pertaining to such boundaries

**FROM:** Nancy LeVinus, Committee Researcher *Nancy*  
House Committee Research Office

**DATE:** August 7, 2009

**RE:** Legislative History of Recent Bills Involving Town Boundaries

You had requested that I provide a legislative history of recent bills involving town boundaries. I reviewed legislation introduced since 1989 and omitted the current bill, HB 539, and the preceding study committee legislation from 2008, SB 398. The following is a summary of my findings: Bill dockets, committee reports and full text of bills is attached.

Please let me know if you have any questions or need additional information.

**1989 HB 170 relative to surveying town boundaries.**

**ITL 18-0**

**Summary:** This bill allowed towns to choose between perambulating or hiring a licensed surveyor to perform a survey. The House Municipal and County Government Committee voted 18-0 to kill the bill, citing RSA 51:2 as existing authority to do just what the bill intended.

**1989 HB 628 relative to the time period for perambulation of town or city boundaries.**

**ITL 17-0**

**Summary:** The bill removed the requirement for perambulation of cities and towns every 7 years and replaced it with a requirement that perambulation occur when requested by the elected officials or when an abutting unincorporated town becomes incorporated. The House Municipal and County Government Committee voted 17-0 to

kill the bill. The committee report stated that the present system has functioned adequately for many years.

**1994 HB 1588 altering the southeastern boundary line between the towns of Hampton and Seabrook and providing for a referendum.**

**Chapter 201, Laws of 1994**

**Summary:** The bill moved the boundary to relocate it to the low water mark on the south side of the Hampton River. It provided for a referendum in the towns of Hampton and Seabrook, requiring a 2/3 approval of those present and voting at the regular annual meeting following passage of the act. The House Municipal and County Government Committee voted 13-0 OTP and the bill passed both bodies on voice vote, unamended. The House Municipal and County Government Committee report supported the "self determination of the communities involved".

**2006 HB 1248 relative to the alteration of a portion of the town line between Milford and Amherst.**

**Chapter 4, Laws of 2006**

**Summary:** The bill transferred a portion of Amherst to Milford and required a 2/3 vote in each community for approval. The House Municipal and County Government Committee report cited the current town line dividing 15 pieces of property, with some homes being split in two. The committee approved the bill, OTP 16-0, the Senate Public and Municipal Affairs Committee voted 5-0 OTP and both bodies approved it on a voice vote.

(Not a town boundary, but town property)

**2008 SB 542 relative to a mediated settlement dispute in the Town of Rye.**

**Chapter 54, Laws of 2008**

**Summary:** According to the House Municipal and County Government Committee report, the legislation was intended to avoid additional litigation involving a small parcel of land (.23 acres) deeded to the town under prior law for public land trust. The Senate Public and Municipal Affairs Committee voted OTP 5-0 and the House Municipal and County Government Committee voted OTP 14-2. The bill passed both bodies on a voice vote.

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Additional persons may be appointed from local youth organizations and local planning and conservation boards to perform the perambulations.

51:3 Additional Perambulation. If the governing body of a city or town, or the superior court of the county in which such city or town is located, <sup>deems</sup> finds it necessary for town lines to be perambulated or any marks and bounds to be renewed at times other than those specified under RSA 51:2, the governing body or court may give notice to the governing bodies of adjoining cities or towns and the procedure for such perambulation or renewing of bounds shall be the same as under RSA 51:2, and RSA 51:4 through RSA 51:7. If bounds are renewed because of damage or removal, the return shall be accompanied by a recorded plan from the appropriate county registry, made by a land surveyor licensed under RSA 310-A:67 at the time the survey for urban, rural, or forest land was made. Placement of the new bound shall be ratified in the manner provided in RSA 51:9.

51:4 Return.

*Bound destroyed, moved, changed. having two towns.*

I. A return of the perambulation, including the date of the perambulation; the names of the persons perambulating each line and bound; and the signatures of the governing body of the city or town or the persons making the perambulation, shall be made at each bound, specifically describing the following:

- (a) The courses and distances and the marks and monuments of each line.
- (b) Digital pictures of the bound.
- (c) Global positioning system coordinates with equipment, datum, and precision identified.
- (d) Description of the bound location and any identifiable tie points for the location.

II. ~~Copies of the~~ return shall be submitted as required under RSA 51:2 at the time of completion the perambulation.

51:5 Notice. The governing body of the city or town first incorporated, or if both were incorporated on the same day, the city or town which is highest in the proportion of public taxes, shall give to the governing body of the adjoining cities or towns notice of the time and place of meeting for such perambulation a minimum of 30 days before the day of meeting. Notice shall be posted in the cities and towns in 2 local newspapers at least 10 days before the day of the meeting. Individual owners, identified by tax records, of property that abuts or is bisected by the lines shall be notified in writing at least 10 days before the day of the meeting. After notice has been made, the governing body of the city or town and its agents or appointees may enter upon any lands in the state to perform its duties under this chapter.

51:6 Penalty for Neglect of Governing Body to Give Notice or Attend. If the governing body of a city or town or the county commissioners neglects to give notice under RSA 51:5, or neglects to attend agreeably to such notice, or if the governing body of a city or town neglects to cause a return of such perambulation to be made and recorded, each city or town so neglecting shall be subject to the following fines to be levied by the superior court upon petition of a city, town, county, or any owner of individual property abutting or bisected by a line. Any fines collected shall be distributed with 1/2 for the use of the town whose governing body has not neglected its duty, or in the case that both have neglected their duty, 1/2 for the use of individuals having petitioned and the other 1/2 for the use of the county. If the duties of the governing body of the city or town have been performed in every 7-year period, there shall be no fine. If the duties of the governing body of the city or town have not been performed by the 8<sup>th</sup> year period, the fine against the non-compliant city or town shall be \$500 for each line and \$5,000 for each year of non-compliance thereafter, but not to exceed \$70,000 for each line between cities and towns.

51:7 Disagreement.

I. When the governing body of an adjoining city or town disagrees in renewing and establishing the lines and bounds of such towns within the 7-year period, the superior court for the county in which the city or town first incorporated or paying the highest tax is situate, upon petition by a city or town, county commissioners, or individuals abutting or bisected by a line and after notice to the other interested cities or towns, shall either examine said disputed lines or appoint a committee for that purpose. The court's decision thereon shall be final and the court may order either or both towns to pay the costs, as deemed just.

II. For a dispute as to the actual location of a city or town line arising in a matter on appeal before the board of tax and land appeals pursuant to RSA 76:16-a, the board of tax and land appeals shall have concurrent jurisdiction with the superior court and shall have the authority granted the superior court in paragraph I.

51:8 By County Commissioners. When the place next to any town has no organization and is on the line of adjoining counties, the county commissioners of the county in which the place is situated shall be empowered to act in the perambulation of the line between the county and town, and shall be notified and proceed in the same manner and subject to the same liabilities as the governing body of the city or towns.

2 Effective Date. This act shall take effect 60 days after its passage.

*→  
1 year cycle @ that time.*



SUGGESTED  
REVISIONS 2-11-09  
from Gerald Miller

**HB 539-LOCAL – AS INTRODUCED**

2009 SESSION

09-0369

06/09

**HOUSE BILL 539-LOCAL**

AN ACT relative to town boundaries and the laws pertaining to such boundaries.

SPONSORS: Rep. Theberge, Coos 4; Rep. Butterworth, Ches 4; Rep. Patten, Carr 4;  
Rep. Ingersoll, Coos 4; Sen. Gallus, Dist 1

COMMITTEE: Municipal and County Government

ANALYSIS

This bill modifies certain procedures for the perambulation of towns.

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Explanation: Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

09-0369

06/09

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nine*

AN ACT relative to town boundaries and the laws pertaining to such boundaries.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 Perambulation of Towns. RSA 51:2 - RSA 51:8 are repealed and reenacted to read as follows:

51:2 Perambulation of Town Lines. The lines between cities or towns in this state shall be perambulated, and the marks and bounds renewed, once every 7 years, by the governing body of the cities or towns, or by the county commissioners in the case of unorganized towns, and by such persons as they appoint in writing for such purpose. At least one person from each town to be perambulated shall be appointed. A copy of the return of the perambulation shall be submitted under RSA 51:4 to the governing body of the city or town, or to the county in the case of unorganized towns. A copy of the return shall also be submitted to the department of state, division of archives and records managements, the department of transportation, the office of energy and planning, and NH GRANIT of the university of New Hampshire. Additional persons may be appointed from local youth organizations and local planning and conservation boards to perform the perambulations.

Change this to read:                   Section 51:2

51:2 Perambulation of Town Lines. - The lines between cities or towns in this state shall be perambulated, and the marks and bounds renewed, once every 7 years, by the governing body of the cities or towns, or by the county commissioners in the case of unorganized towns, and by such persons as they appoint in writing for such purpose. At least one person from each town to be perambulated shall be appointed. A copy of the return of the perambulation shall be submitted under RSA 51:4 to the governing body of the city or town, or to the county in the case of unorganized towns. A copy of the return shall also be submitted to the Secretary of State, the department of transportation, the office of energy and planning, and NH GRANIT of the University of New Hampshire. Additional persons may be appointed from, but not limited to, local youth organizations and local planning and conservation boards to perform the perambulations.

51:3 Additional Perambulation. If the governing body of a city or town, or the superior court of the county in which such city or town is located, finds it necessary for town lines to be perambulated or any marks and bounds to be renewed at times other than those specified under RSA 51:2, the governing body or court may give notice to the governing bodies of adjoining cities or towns and the procedure for such perambulation or renewing of bounds shall be the same as under RSA 51:2, and RSA 51:4 through RSA 51:7. If bounds are renewed because of damage or removal, the return shall be accompanied by a recorded plan from the appropriate county registry, made by a land surveyor licensed under RSA 310-A:67 at the time the survey for urban, rural, or forest land was made. Placement of the new bound shall be ratified in the manner provided in RSA 51:9.

Change this to read:                   Section 51:3

51:3 Additional Perambulation. - If the governing body of a city or town, or the superior court of the county in which such city or town is located, deems it necessary for town lines to be perambulated or any marks and bounds to be renewed at times other than those specified under RSA 51:2, the governing body or court may give notice to the governing bodies of adjoining cities or towns and the procedure for such perambulation or renewing

of bounds shall be the same as under RSA 51:2, and RSA 51:4 through RSA 51:7. If bounds are renewed because of damage or removal, the placement of the new bound shall be surveyed by a New Hampshire Licensed Land Surveyor, recorded in the appropriate county registry of deeds, and shall be ratified in accordance with RSA 51:9.

51:4 Return.

I. A return of the perambulation, including the date of the perambulation; the names of the persons perambulating each line and bound; and the signatures of the governing body of the city or town or the persons making the perambulation, shall be made at each bound, specifically describing the following:

- (a) The courses and distances and the marks and monuments of each line.
- (b) Digital pictures of the bound.
- (c) Global positioning system coordinates with equipment, datum, and precision identified.
- (d) Description of the bound location and any identifiable tie points for the location.

II. Copies of the return shall be submitted as required under RSA 51:2 at the time of completion the perambulation.

Change this to read:                   Section 51:4

51:4 Return. -

I. A return of the perambulation, including the date of the perambulation; the names of the persons perambulating each line and bound; and the signatures of the governing body of the city or town or the persons making the perambulation, shall be made, specifically describing and include the following:

- (a) The courses, distances, and the marks and monuments of such line.
- (b) Pictures of the bound.
- (c) Global positioning system coordinates with type of equipment, datum, and precision identified.
- (d) Description of the bound location and any identifiable tie points for the location.

II. The return shall be submitted as required under RSA 51:2.

51:5 Notice. The governing body of the city or town first incorporated, or if both were incorporated on the same day, the city or town which is highest in the proportion of public taxes, shall give to the governing body of the adjoining cities or towns notice of the time and place of meeting for such perambulation a minimum of 30 days before the day of meeting. Notice shall be posted in the cities and towns in 2 local newspapers at least 10 days before the day of the meeting. Individual owners, identified by tax records, of property that abuts or is bisected by the lines shall be notified in writing at least 10 days before the day of the meeting. After notice has been made, the governing body of the city or town and its agents or appointees may enter upon any lands in the state to perform its duties under this chapter.

Change this to read:                   Section 51:5

51:5 Notice. - The governing body of the city or town first incorporated, or if both were incorporated on the same day, the city or town which is highest in the proportion of public taxes, shall give to the governing body of the adjoining cities or towns notice of the time and place of meeting for such perambulation a minimum of 30 days before the day of meeting. Notice shall be posted in the cities and towns in 2 local newspapers at least 10 days before the day of the meeting. Individual owners, identified by tax records, of property that abuts or is bisected by the lines shall be notified in writing at least 10 days before the day of the meeting. After notice has been made, the governing body of the city or town and its agents or appointees may enter upon any lands in the state to perform its duties under this chapter.

51:6 Penalty for Neglect of Governing Body to Give Notice or Attend. If the governing body of a city or town or the county commissioners neglects to give notice under RSA 51:5, or neglects to attend agreeably to such notice, or if the governing body of a city or town neglects to cause a return of such perambulation to be made and recorded, each city or town so neglecting shall be subject to the following fines to be levied by the superior court upon petition of a city, town, county, or any owner of individual property abutting or bisected by a line. Any fines collected shall be distributed with  $\frac{1}{2}$  for the use of the town whose governing body has not neglected its duty, or in the case that both have neglected their duty,  $\frac{1}{2}$  for the use of individuals having petitioned and the other  $\frac{1}{2}$  for the use of the county. If the duties of the governing body of the city or town have been performed in every 7-year period, there shall be no fine. If the duties of the governing body of the city or town have not been performed by the 8<sup>th</sup> year period, the fine against the non-compliant city or town shall be \$500 for each line and \$5,000 for each year of non-compliance thereafter, but not to exceed \$70,000 for each line between cities and towns.

Change this to read:           Section 51:6

51:6 Penalty for Neglect of Governing Body to Give Notice or Attend. - If the governing body of a city or town or the county commissioners neglects to give notice under RSA 51:5, or neglects to attend agreeably to such notice, or if the governing body of a city or town neglects to cause a return of such perambulation to be made and recorded, each city or town so neglecting shall be subject to the following fines to be levied by the superior court upon petition of a city, town, county, or any owner of individual property abutting or bisected by a line. Any fines collected shall be distributed with  $\frac{1}{2}$  for the use of the town whose governing body has not neglected its duty, or in the case that both have neglected their duty,  $\frac{1}{2}$  for the use of individuals having petitioned and the other  $\frac{1}{2}$  for the use of the county. If the duties of the governing body of the city or town have been performed in every 7-year period, there shall be no fine. If the duties of the governing body of the city or town have not been performed by the 8<sup>th</sup> year period, the fine against the non-compliant city or town shall be \$500 for each line and \$5,000 for each year of non-compliance thereafter, but not to exceed \$70,000 for each line between cities and towns.

51:7 Disagreement.

I. When the governing body of an adjoining city or town disagrees in renewing and establishing the lines and bounds of such towns within the 7-year period, the superior court for the county in which the city or town first incorporated or paying the highest tax is situate, upon petition by a city or town, county commissioners, or individuals abutting or bisected by a line and after notice to the other interested cities or towns, shall either examine said disputed lines or appoint a committee for that purpose. The court's decision thereon shall be final and the court may order either or both towns to pay the costs, as deemed just.

II. For a dispute as to the actual location of a city or town line arising in a matter on appeal before the board of tax and land appeals pursuant to RSA 76:16-a, the board of tax and land appeals shall have concurrent jurisdiction with the superior court and shall have the authority granted the superior court in paragraph I.

Change this to read:           Section 51:7

51:7 Disagreement. -

I. When the governing body of an adjoining city or town disagrees in renewing and establishing the lines and bounds of such towns within the 7-year period, the superior court for the county in which the city or town first incorporated or paying the highest tax is situate, upon petition by a city or town, county commissioners, or individuals abutting or bisected by a line and after notice to the other interested cities or towns, shall either examine said disputed lines or appoint a committee for that purpose. The court's decision

thereon shall be final and the court may order either or both towns to pay the costs, as deemed just.

II. For a dispute as to the actual location of a city or town line arising in a matter on appeal before the board of tax and land appeals pursuant to RSA 76:16-a, the board of tax and land appeals shall have concurrent jurisdiction with the superior court and shall have the authority granted the superior court in paragraph I.

51:8 By County Commissioners. When the place next to any town has no organization and is on the line of adjoining counties, the county commissioners of the county in which the place is situated shall be empowered to act in the perambulation of the line between the county and town, and shall be notified and proceed in the same manner and subject to the same liabilities as the governing body of the city or towns.

Change this to read:                   Section 51:8

51:8 By County Commissioners. - When the place next to any town has no organization and is on the line of adjoining counties, the county commissioners of the county in which the place is situated shall be empowered to act in the perambulation of the line between the county and town, and shall be notified and proceed in the same manner and subject to the same liabilities as the governing body of the city or towns.

2 Effective Date. This act shall take effect 60 days after its passage.

Change this to read:

2 Effective Date. - This act shall take effect 60 days after its passage to begin the 7 year cycle.

HB 539  
Serafin Miller

## TITLE III

# TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

### CHAPTER 51

## TOWN LINES AND PERAMBULATION OF BOUNDARIES

#### Section 51:1

**51:1 On Connecticut River.** – The northerly and southerly lines of towns adjoining Connecticut river are continued and extended across the river to the westerly line of the state, and the west line of the state is the western boundary of such towns.

Source. RS 37:1. CS 39:1. GS 47:1. GL 51:1. PS 52:1. PL 56:1. RL 69:1.

#### Section 51:2

**51:2 Perambulation of Town Lines.** – The lines between the towns in this state shall be perambulated, and the marks and bounds renewed, once in every 7 years forever, by the selectmen of the towns, or by such persons as they shall in writing appoint for that purpose.

Source. RS 37:2. CS 39:2. GS 47:2. GL 51:2. PS 52:2. PL 56:2. RL 69:6.

#### Section 51:3

**51:3 Additional Perambulation.** – If the selectmen of any town deem it necessary that the town lines be perambulated or any marks and bounds renewed at other times than at the regular perambulation provided for by RSA 51:2 they may give notice to the selectmen of the town adjoining and the procedure for said perambulation or renewing of bounds shall be the same as that provided in RSA 51:2, 4-7.

Source. 1935, 38:1. RL 69:7.

#### Section 51:4

**51:4 Return.** – A return of the perambulation shall be made, particularly describing the courses and distances and the marks and monuments of such line, which shall be signed by the selectmen or persons making the same, recorded in the respective town books, and filed with the secretary of state.

Source. RS 37:3. CS 39:3. GS 47:3. GL 51:3. PS 52:3. PL 56:3. RL 69:8. RSA 51:4. 1969, 67:1, eff. June 13, 1969.

#### Section 51:5

**51:5 Notice.** – The selectmen of the town first incorporated, or, if both were incorporated on the same day, of the town which is highest in the proportion of public taxes, shall give to the selectmen of the town adjoining notice of the time and place of meeting for such perambulation 10 days before the day of meeting.

Source. RS 37:4. CS 39:4. GS 47:4. GL 51:4. PS 52:4. PL 56:4. RL 69:9.

#### Section 51:6

**51:6 Penalty for Selectmen's Neglect to Give Notice or Attend.** – If the selectmen whose duty it is to give such notice shall neglect to notify as aforesaid, or shall neglect to attend agreeably to such notice, or if the selectmen of any town, after being duly notified, shall neglect to attend, or if any selectman shall neglect to cause a return of such perambulation to be made and recorded as aforesaid, each selectman so neglecting shall be guilty of a violation. Any fines collected shall be distributed with 1/2 for the use of the town whose selectmen have done their duty, and the other half to the use of the county.

Source. RS 37:5. CS 39:5. GS 47:5. GL 51:5. PS 52:5. PL 56:5. RL 69:10. RSA 51:6. 1973, 531:15, eff. Oct. 31, 1973 at 11:59 p.m.

### Section 51:7

#### **51:7 Disagreement. –**

I. When the selectmen of adjoining towns shall disagree in renewing and establishing the lines and bounds of such towns, the superior court for the county in which the town first incorporated or paying the highest tax as aforesaid is situate, upon petition and after notice to the other towns interested, shall, either examine said disputed lines or appoint a committee for that purpose, and the court's decision thereon shall be final; and the court may order either or both towns to pay the costs, as deemed just.

II. For a dispute as to the actual location of a town line arising in a matter on appeal before the board of tax and land appeals pursuant to RSA 76:16-a, the board of tax and land appeals shall have concurrent jurisdiction with the superior court and shall have the authority granted the superior court in paragraph I.

Source. RS 37:6. CS 39:6. GS 47:6. GL 51:6. PS 52:6. PL 56:6. RL 69:11. 1951, 221:5. 1998, 344:1, eff. Aug. 25, 1998.

### Section 51:8

**51:8 By County Commissioners. –** When the place next to any town has no organization and is on the line of adjoining counties, the county commissioners of the county in which the place is situated shall be empowered to act in the perambulation of the line between the county and town, and shall be notified and proceed in the same manner and subject to the same liabilities as the selectmen of towns.

Source. 1881, 61:1. PS 52:7. PL 56:7. RL 69:12.

### Section 51:9

**51:9 Alteration of Town Lines. –** No portion of the territory of any town or city shall be united with another town or city unless the legislative enactment providing for such union shall be ratified by 2/3 of the voters of each town or city affected, present and voting by ballot at the regular annual or biennial meeting for the election of town or city officers held next after the passage of such act.

Source. 1903, 99:1, 2. PL 56:8. RL 69:13.



**Legislative Committee to Study Municipal Boundaries  
September 10, 2008**

Major issues to present to committee:

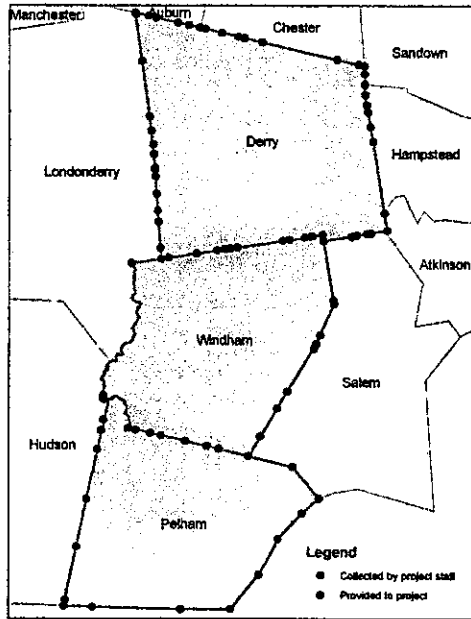
- Lack of data on town bounds – towns are not performing regular perambulations as required by statute. Existing penalties are nonexistent or ineffective.
- Insufficient data collected for perambulated bounds – when towns do perambulate, oftentimes they simply repeat text from old perambulation records without actually visiting the bounds. And/or even if they do visit the bounds, they are not collecting the actual coordinates.
- Missing bounds – in some instances, bounds are not “visited” because they cannot be found, are inaccessible, etc.
- Mapping of town lines – no documented procedure exists for updating the statewide town boundary layer (used by municipalities, RPCs, state agencies, etc.) to reflect available data on town bound coordinates

Suggest that we explore possibility of using dollars from town road aid distributions to support improved mapping. Justification – will ensure that towns get the level of aid they are entitled to.

Relative to costs – City of Portsmouth spent \$30K to update town bounds (as reported on City’s web site).

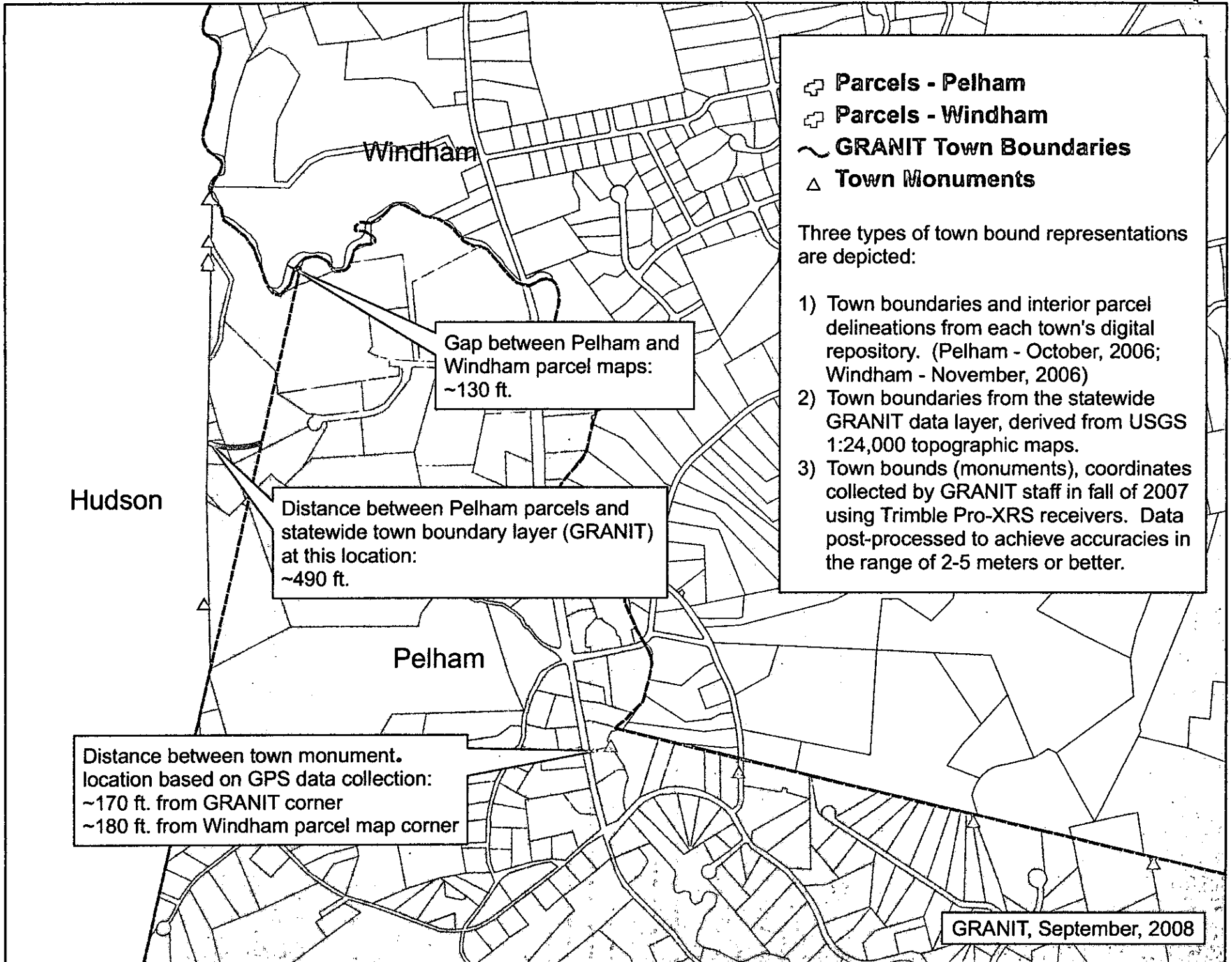
GRANIT collected GPS coordinates for 60 monuments as part of Windham/Derry/Pelham pilot project.

**Town boundary monument data assembled for Windham/Derry/Pelham pilot project.**



GRANIT produced a mapped example of conflicting town boundaries from the Derry/Windham/Pelham pilot. To help demonstrate the point, the following map will displays 3 “versions” of town boundary data:

- GRANIT town boundary line (from 24k mapping)
- Town boundary line as incorporated in each town’s digital parcel layer
- GPS coordinates collected by GRANIT as part of pilot study



- ⊕ Parcels - Pelham
- ⊕ Parcels - Windham
- ~ GRANIT Town Boundaries
- △ Town Monuments

Three types of town bound representations are depicted:

- 1) Town boundaries and interior parcel delineations from each town's digital repository. (Pelham - October, 2006; Windham - November, 2006)
- 2) Town boundaries from the statewide GRANIT data layer, derived from USGS 1:24,000 topographic maps.
- 3) Town bounds (monuments), coordinates collected by GRANIT staff in fall of 2007 using Trimble Pro-XRS receivers. Data post-processed to achieve accuracies in the range of 2-5 meters or better.

Gap between Pelham and Windham parcel maps:  
~130 ft.

Distance between Pelham parcels and statewide town boundary layer (GRANIT) at this location:  
~490 ft.

Distance between town monument, location based on GPS data collection:  
~170 ft. from GRANIT corner  
~180 ft. from Windham parcel map corner

GRANIT, September, 2008

## Supplemental Notes

### Headline results from the internet:

- Unsure date            New Boston Selectmen's minutes – Goffstown perambulation, bounds found, many broken, one missing. Weare perambulation, bounds found, one concerned that it may have been moved by construction.
- Hooksett Selectmen's minutes – concern over change in measurement between 1969 perambulation and 1990 the line changes 1200 feet and within that footage 5 buildings are included and numerous developments have taken place.
- 2007, Dec. 4<sup>th</sup>           Pittsburgh report by Ed Vien and Richard DeBold that five (5) markers were found per map.
- 2007, Nov. 13<sup>th</sup>           Greenfield Selectmen's minutes – meeting with selectmen and Mr. Day about property his mother owns on Crotched Mt. and there are no town bounds that can be found on Rogers Road.
- 2007, Oct. 20<sup>th</sup>           Pittsburgh to arrange to perambulate Chichester/Pittsfield town line.
- 2007, Aug. 20<sup>th</sup>           Enfield minutes mentions perambulation and referred to Kurt Gotthardt.
- 2007, July 2<sup>nd</sup>           Town of Sunapee Selectmen's minutes – Fred Gallup gave the Board an update on the perambulation of the Goshen and Sunapee town line. He informed the Board that Mr. Flannigan will represent the Town of Goshen. Fred Gallup explained to those present that a perambulation is outlined in the State RSA's and requires that each town walk and agree upon their boundaries every seven years. He stated that this is a difficult thing to do and because the markers are dated, and it appears that as time goes on, the perambulation date is further and further apart. The last time Goshen and Sunapee did a perambulation that he can find in the records was in 1933.
- 2007, Mar. 14<sup>th</sup>           Wakefield Selectmen indicate Nathan Fogg to GPS Perambulation of Milton/Wakefield and Middleton/Wakefield lines.
- 2003, Aug. 4<sup>th</sup>           Portsmouth City Council voted \$30,000 for perambulation of City Boundaries.
- 2006, Jun. 22<sup>nd</sup>           Alexandria minutes indicated perambulating line much easier to

follow with a survey.

- 2006, Apr. 25<sup>th</sup> Springfield Selectmen indicate perambulation of lines being done  
By Cynthia Bruss – New London town line  
Linda Welch – Grantham and Enfield town lines  
Linda Welch and Steve Strussberg – Grafton town line
- 2006, Mar. 23<sup>rd</sup> Fremont Selectmen have Peter Bolduc be liason for perambulation  
of Danville/Fremont town line.
- 2006 Amherst/Milford town line moved due to building location dispute.
- 2004, Apr. 5<sup>th</sup> Perambulation certification for Candia/Raymond – Three bounds  
missing.
- 2003, Sept. 23<sup>rd</sup> Concord Monitor – Towns trying to figure out where they end.
- 2001, Feb. 20<sup>th</sup> Hampton Union – Officials from Hampton and Exeter met to  
perambulate the bounds. Had some difficulty finding but  
eventually did. Then everybody headed out of the woods, using a  
more direct route across somebody's backyard.
- 1988, Sept. 22<sup>nd</sup> Boson Globe – 7 families mired in land dispute over town line.
- 1973, May 30<sup>th</sup> Portsmouth Herald – Seabrook/Salisbury town line dispute.
- 1910 Canaan town line dispute.
- 1906, Feb. 6<sup>th</sup> NH case law  
Bath v. Haverhill, 73 NH 52,56  
Chatham's Petition, 18 NH 277  
Pitman v. Albany, 34 NH 577  
Greenville v. Mason, 57 NH 385, 392  
Bushman v. Stearns, 76 NH
- 1899, June 1<sup>st</sup> NH case law  
Heywood v. Lumber Co. involving dispute as to Jackson town line.

Headlines from members of New Hampshire Land Surveyors Association (NHLSA):

2008, Jan. 24<sup>th</sup> Chris Jacobs, LLS, PE writes:

Middleton Perambulation: In the last several years I worked on a boundary survey that ran along the Middleton / Milton town line. In doing my research I could not uncover a perambulation completed by the Selectmen as required under the Statues. I requested a copy of one at the Town Hall and they did not have one. I went to the State Archives hand they don't have any perambulation ever. I went to the State Library and they do not have a perambulation on record. What they do have is the original 1805 map. It would be helpful to have some update to the record of the boundaries that the Town currently recognizes.

2008, Jan. 24<sup>th</sup> Joseph M. Wichert, L.L.S., Inc. writes:

I believe Mark Sargent had an issue on the Epsom/Chichester Town line off of Route 4. We had a problem in Wilton/Lyndeboro but it did not necessarily stop us. It did require a significant amount of work to resolve and only time will tell if the Towns agree or disagree with what we do/did.

2008, Jan. 22<sup>nd</sup> Dick Drew writes:

Swanzy/Richmond Perambulation: An intermediate bound is called for as also being a corner of a lot in Richmond. The lot corner is monumented with a pipe. The corner is actually 136' South of the Town line. The perambulation is in error and has been perpetuated for many decades.

2008, Jan. 21<sup>st</sup> Steven C. Luger writes:

I'm currently doing a project on the Canterbury-Northfield town line from Oak Hill Road to the Merrimack River, I have a description and perambulations from both Towns, however the line never has been surveyed as near as I can tell. The perambulations from 1919 and 1955 from both Towns are not the same and the original monument "on the bluff of the Merrimack" is missing and a newer granite monument that is 3 feet long and loose has been placed on the bluff. I have attempted to get information from both towns as to the history of this monument and have they refer me to the road agents in Town, who have less knowledge about this particular monument than I. The Towns have been helpful but they have no history of the Merrimack River Bluff Monument.

The Town of Canterbury has had it's assessors maps updated and a GPS location has been done on the Town Lines with help from a couple of local surveyors but the actual line has not been run or the monuments verified.

2008, Jan. 21<sup>st</sup> Morris Foote writes:

The Bow/Hooksett town bound on the Mwerriamack River is shown aproximatly 1000' upstream of its actual location. MCF LLS322 Retired.

2008, Jan. 21<sup>st</sup>

Morris Foote writes:

The stone bound marking the third crank in the Bow/Dunbartn Town Line was removed and eventually held by Richadr D. Hanson at his home. In the mean time a survey across or on the South side of the Steav Hammond Road was done placing a iron pin marking the town line +/- some 100' distance from the true town line. To the best of my knowledge I am the only person alive that knows where the true location is on the Northwest side of the Steave Hammon Road and the location of the stone bound is now in the possion of Jonhthan Hanson.

2008, Jan. 22<sup>nd</sup>

Morris Foote writes:

Also reported by "old" Mr. Blake there is a Concorn/Bow bound in the Northeast Bank of the main brook between Turee and Turkee Pond that has not been located in this centery (1900's). I have no deed record of it. Nasty loocation, do not look for it alone and leave a float plan.

2008, January 21<sup>st</sup>

Dennis McKenney, LLS NH 691 writes:

Gerry, see my plan at HCRD 33611 for the perambulation of Bennington/Deering town lines. Two points with respect to Bennington/Deering: the comparison of perambulations over time shows that since about 1920 serious gaps in the record have existed. So, without good information you can't properly survey a municipal boundary. Second, the result of this poor information allowed errors to occur in survey plans and tax maps to the extent that Bennington failed to tax many 10's of acres for many 10's of years. Both towns have now revised their tax maps and assessments to correct the problem. In one extreme case a property located in Bennington had been taxed by Deering for many years and when sold recently the new buyer was under the belief that his land was in Deering and so his kids would attend the Hillsborough school system. However, the perambulation clearly demonstrated that the land was in Bennington and the ConVal School system. Buyers are influenced by what school system their children would attend so perambulations or the lack thereof have significant consequences.

I reiterate my idea for a perambulation project whereby towns would assemble all their perambulation records from the oldest to the newest and at the least copy these documents and submit them to the secretary of state with additional details indicating how the original can be found. I think we (NHLSA) could work with the NH Association of Conservation Commissions and the Local Government Center to bring this about. Only then can we understand the magnitude of the problem and craft methods to solve it. None of the perambulations I used to prepare my Deering/Bennington perambulation were filed with the Secretary of State; all were found at the respective town hall. And I

have recently been shown well over a dozen perambulations between Antrim and adjoining towns that are not filed with the Secretary of State.

2008, Jan. 21<sup>st</sup> Gary L. Collins, LLS writes:

Missing Monument at Hollis-Nashua Town Line. A recent survey of property south of Pine Hill Road on the Hollis-Nashua Town Line has found that the monument to mark the line is missing and the record shows it has been for many years. A position has been calculated by a Licensed Land Surveyor based upon the best record evidence available, but he unsure that this is sufficient to fix its position as the corner.

2008, Jan. 21<sup>st</sup> Jim Verra writes:

The problem is that most town line bounds have been relied on as gospel for 200 years and then some smart ass surveyor with GPS says your house is in another town. We recently surveyed the Rye-North Hampton town line. The original layout did not call for monuments, the westerly half matches with itself and the easterly half matches with itself but there is a big deflection in the middle. In other words when you overlay your perambulation with the field location it does not work. We submitted our report over 6 months ago and have not heard. My opinion is the monuments have been accepted and hold.

I don't know what the legislation is about but as I get older don't want to upset the apple cart.

2008, Jan. 21<sup>st</sup> Donald A. Wilson writes:

What's the big deal. I can show you several like that. Doesn't change a thing. The corner is still where it was established. Just follow the rules, they are older than the bound. Sounds like a surveyor-cop out to me. Surveyors are supposed to locate land and boundaries, not raise and create problems. Too many don't get it.

2008, Jan. 21<sup>st</sup> Joel D. Runnals, LLS865 writes:

Barrington, NH had their tax map redone in 2003 by CAI. They located only the corners with sub-meter gps equipment. There are now entire lots that had always been in another town and now are in the abutting town. In one such case there is a town line monument at the front corner parcel corner that CAI ignored since they only located the 4 corners and not the POL's that have been there for 100's of years.

2008, Jan. 21<sup>st</sup> George Butts writes:

The corner is not missing, perhaps the monument is, but would not say that as an absolute fact. What may be fact is that nobody has seen it lately or perhaps there is someone out there that has definite knowledge. Have dealt with many town lines in



Vermont and some in New Hampshire. Lots of myths and bad information out there. Bad work by earlier people is, of course, a real problem all over the country and the world. Take a look at the January 2008 issue of POB, page 82 et seq. This article deals with a Parish boundary in Louisiana, same thing as a township boundary in VT or NH.

The problems, as I see them, are twofold: First incompetent work (one of the firms in the POB article is either incompetent or failed to do what they should have done; the other firm appears to be competent and apparently did a good job). Competent people to survey township lines can be found.

The second problem is who is going to pay for the work. The Vermont legislature has funded some of this work in Vermont, but it is probable that the work was not properly carried out.

My worse case in NH involved a found granite townline post placed where the line crossed a highway, that reputedly had been on the opposite side of the highway where I found it. Some so-called surveyor had replaced it in a straight a straight line between good corners at each end of the line. The money was there do the work (if it had not been there would have done nothing) and good evidence was found so that the post could be replaced in its original location. I understand that a surveyor who had surveyed a parcel using the post in its wrong position later corrected his survey.

The so-called surveyor who placed the post on a straight line either did not know what his job was, or if he did know, failed to do what he should have done. The recovery of the information necessary to find the original location was not a routine job, but would not say it was extremely difficult.

2008, Jan. 22<sup>nd</sup>            Dick Drew writes:

Swanzey/Richmond Perambulation: An intermediate bound is called for as also being a corner of a lot in Richmond. The lot corner is monumented with a pipe. The corner is actually 136' South of the Town line. The perambulation is in error and has been perpetuated for many decades.

Perambulation Records with last date of compliance with law:

Acworth – cross referenced with Charleston and Marlow, nothing else in folder

Albany – cross referenced with Conway, Madison, Hart's Location, last perambulation done in 1977. 1969 perambulation indicated monuments should be replaced on Hale's Location and Conway line.

Alexandria- cross referenced with Bristol (1983) and Danbury (2006)

Allenstown – cross referenced with Epsom (1965), Hooksett (1930), Deerfield (1992)

Alstead – no cross references or perambulations on file

Alton – cross referenced with Barnstead (2004), Gilmanton (1969), Gilford (1969), New Durham, Wolfborough

Amherst – cross referenced with Mont Vernon (2001), Merrimack (1995), New Boston (1995), Bedford (1990), Hollis (1988), Milford (1983) changed line in 2006.

Andover – cross referenced with Franklin (1999), Hill (1999), Warner (1999), located with GPS and pictures

Antrim – cross referenced with Deering (2005), Hancock (1963), Stoddard (2007), Windsor (1975), Hillsborough (1976)

Ashland – boundary run in 2005, monuments missing and others need tending to.

Bedford – cross referenced with Amherst (1984), Manchester (1991), Goffstown (1984), New Boston (1984), Merrimack (1985), missing monuments to be replaced with Bedford (see plan done by Moran in 1976)

Berlin – cross referenced with Milan (1985), set markers in 1984, nothing on file for Kilkenny

Colebrook – no perambulations on record as of July 1991

Concord – cross referenced with Bow (1997), Pembroke (2006 resolution submitted), Boscowen (1997), Hopkinton (1997), Loudon (1988), Webster (1997), bound replaced on Boscowen line, a resolution filed for Loudon line in 1988

Cornish (Flat) – no perambulations on record as of July 1991

Exeter – cross referenced with Hampton (2001), Brentwood (1988), East Kingston (1988), Epping (1988), Hampton Falls (1988), Kensington (1988), Kingston (1988), Newfields (2001), Stratham (1988), missing monuments on line with Stratham and Newfields

Lempster – cross referenced with Marlow (1989)

Manchester – cross referenced with Hooksett (1991), Auburn (1995), Londonderry (1996), Litchfield (1991), Bedford (1991), Goffstown (1999), missing bounds along Bedford, Litchfield, and Londonderry lines, one buried under tarmac of airport.

Merrimack – cross referenced with Bedford (1984), Hollis (1974), Amherst (1995)

Raymond – cross referenced with Epping (1998), Deerfield (1998),

Tilton – cross referenced with Sanbornton (1984), Belmont (1984), Northfield (1984)

In conclusion:

I feel the following definition is what we need to do again today;

De Perambulatone Facienda (Lat. for making a perambulation). A writ which where there was a dispute as to the boundaries of two adjacent lordships or towns, directed to the sheriff, commanding him to take twelve lawful knights of his county and make the perambulation and set the bounds and limits in certainty. Fitzh. N. B. 309, D.

Gerald H. Miller, LLS, CWS

# MADBURY

WESTERLY ALONG  
MADBURY LINE 124 RODS

MADBURY LINE

LEE

DURHAM

NO DISTANCE GIVEN



N 6 E

P.O.B. BEGINNING AT  
PAUL CHESLE'S HOUSE  
AT BEECH HILL, SO CALLED.

NEWMARKET

1766 LEGISLATIVE ACT  
TO CREATE A NEW PARISH CALLED LEE

# MADBURY

ROCK IN MAJOR DEMERITT'S LAND

7 RODS EAST OF BRIDGE

4 RODS WEST OF WATER COURSE IN LASKEYS BRIDGE

OAK IN LAND OF W. LASKEYS

# DURHAM

ROCK ON PAUL GILES LAND

ALONG THE LINE ROCKS

AND TREES MARKED "L. D."

BEECH TREE ON SOUTHWEST BANK OF LAMPREY RIVER

OAK IN LEVI LANGLEYS LAND

ROCK IN WALTER BRYANTS PASTURE

ROCK IN STEAVENS PASTURE

LARGE OAK 3 RODS EAST OF STEAVENS HOUSE

ROCK IN THOMAS TUFTS PASTURE ON EAST SIDE OF ROAD

MARKED ROCK ON AARON KENNISON'S LAND

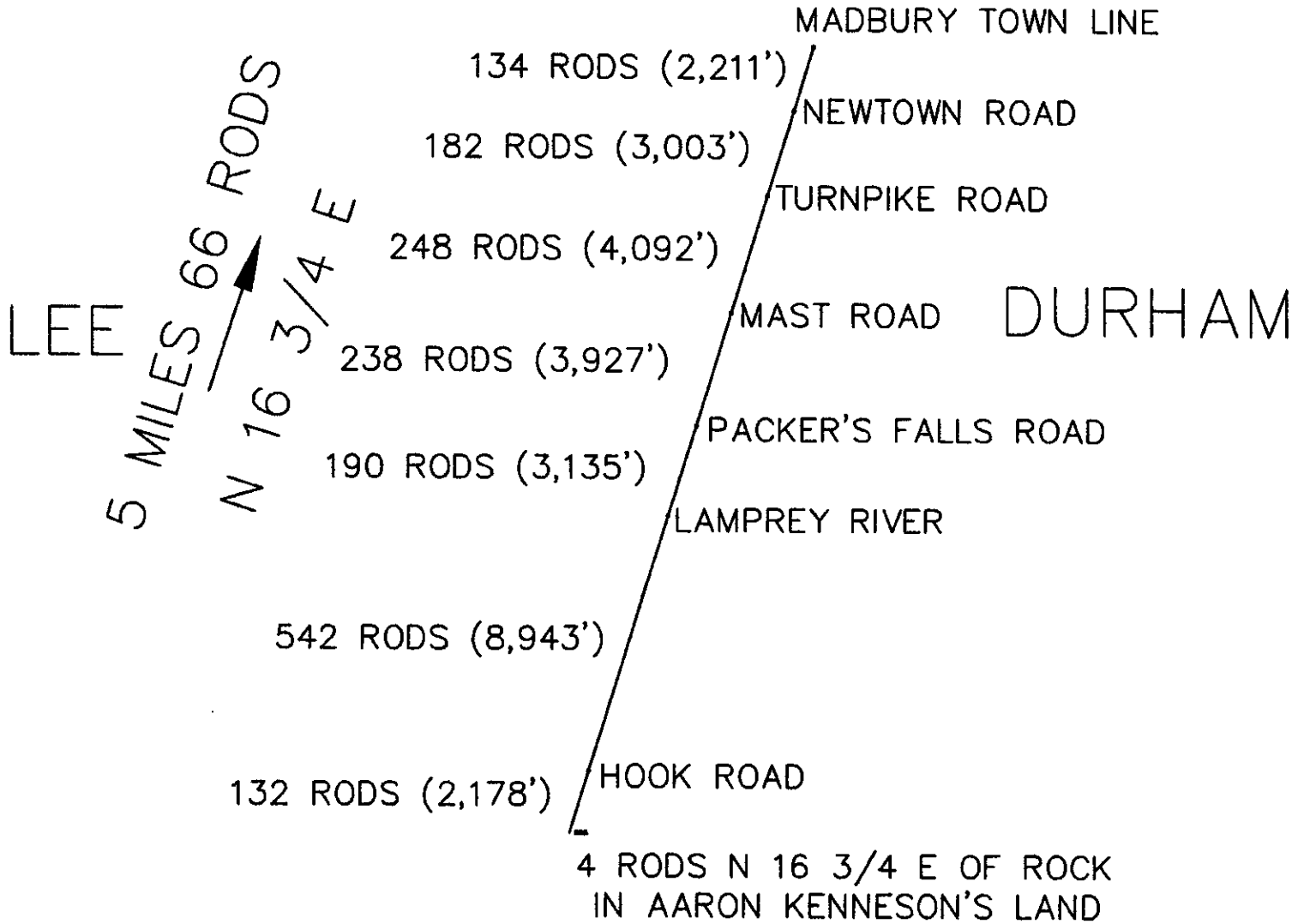
# NEWMARKET

1798 FIRST TIME THE LINE  
WAS RUN AND MARKED

# LEE

5 MILES 96 RODS  
N 17 E

# MADBURY



# NEWMARKET

1805 SURVEY PER 1803 LEGISLATIVE ACT

# MADBURY

STONE MARKED M. L. D. 1948 ON LAND OF NEHEMIAH SNELL  
6 RODS (99') NORTH OF THE FENCE, 1 ROD (16.5') EAST OF THE PATH

86 RODS (1,419')

56 RODS (924')

STONE MARKED L. D. 1913, 1948 ON SOUTH SIDE OF HIGHWAY RTE 155

196 RODS (3,234')

STONE MARKED L. D. 1846, 1948 ON SOUTH SIDE OF BEECH HILL ROAD  
ABOUT 5 RODS (82.5') SOUTHEAST OF THE OLD BRIDGE ABUTMENT

278 RODS (4,587')

STONE MARKED L. D. 1913, 1948 ON SOUTH SIDE OF CONCORD TURNPIKE RTE 4  
ABOUT 20 RODS (530') EAST OF THE OYSTER RIVER BRIDGE  
NEAR THE RESIDENCE OF SHERBURNE FOGG

208 RODS (3,432')

STONE MARKED L. D. 1857 FORMERLY WAS FOUND ON THE SOUTH SIDE  
OF MAST ROAD RTE 155A. IN 1974 A LARGE STONE MARKED L- D 1974  
WAS PLACED AT THE APPROXIMATE LOCATION OF THE MISSING STONE

168 RODS (2,772')

STONE MARKED L. D. 1864, 1878, 1913, 1948  
ON NORTH SIDE OF PACKERS FALLS ROAD

# DURHAM

320 RODS (5,280')

STONE MARKED L. D. 1913, 1948  
1 ROD (16.5') SOUTH OF WEDNESDAY HILL ROAD ABOUT 4' FROM THE FOUNDATION  
AND NOW BURIED IN THE LAWN OF THE HOUSE NOW OF LOUIS COTE

NO DISTANCE GIVEN

A LEDGE OUTCROP MARKED L. D. 1913  
IN THE STONE WALL BETWEEN THE LAND OF ZYCH AND UNH  
ABOUT 550' SOUTH OF WISWALL ROAD

320 RODS (5,280')

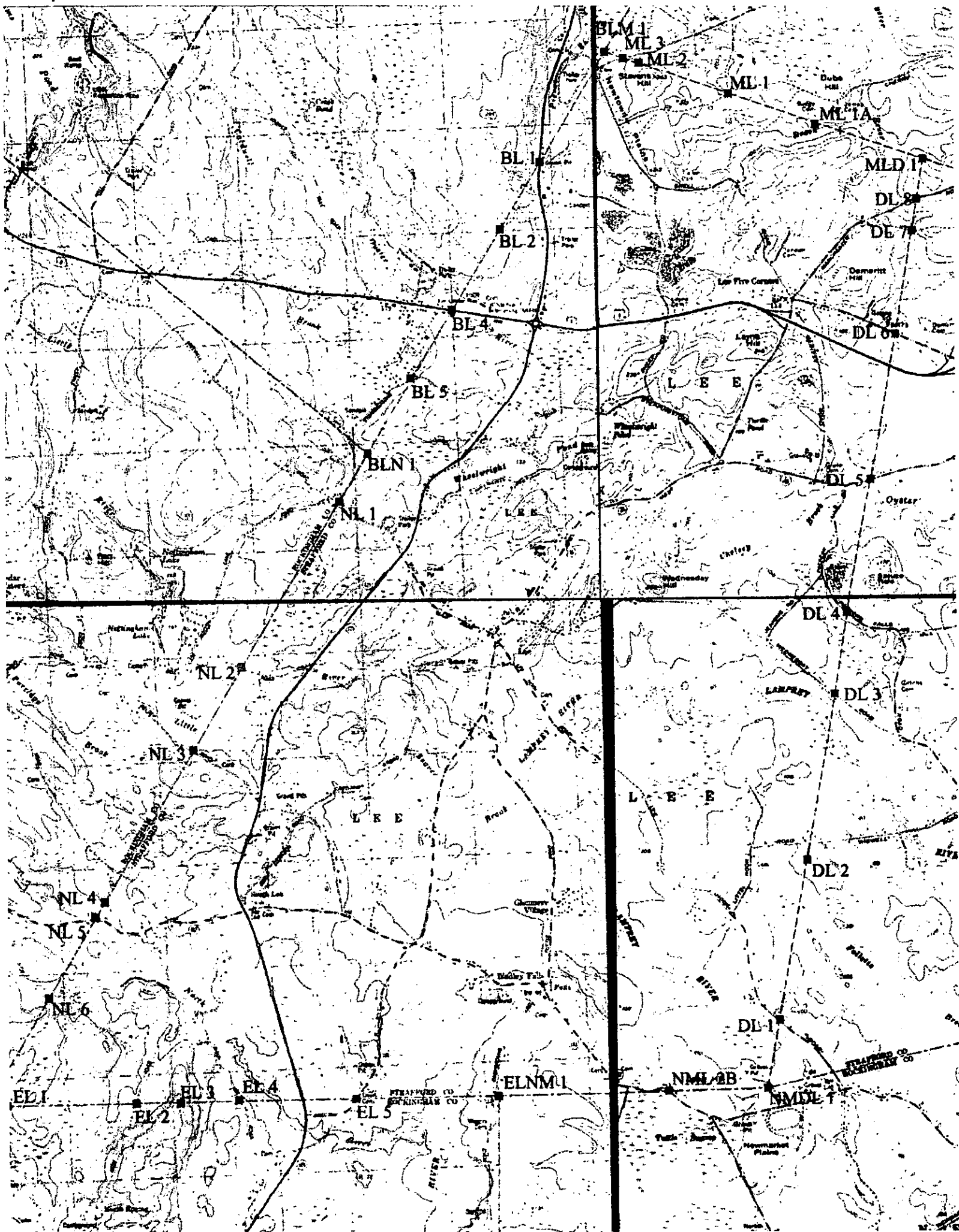
A LARGE STONE IN THE WALL MARKED L. D. 1913, 1948  
ABOUT 7 RODS (115.5') EAST OF THE ROAD FROM LEE TO NEWMARKET  
NEAR THE HOUSE OF HELMUT HAENDLER

STONE MARKED N. L. D. 1913, 1948 ON THE LAND OF LLOYD WALKER

# NEWMARKET

PERAMBULATION RETURNS  
FOR 1969, 1976, 1983

LEE  
NO DISTANCE GIVEN  
S 22 W





HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

SUBCOMMITTEE WORK SESSION ON HB 539-LOCAL

**BILL TITLE:** relative to town boundaries and the laws pertaining to such boundaries.

**DATE:** October 27, 2009

**Subcommittee Members:** Reps. Patten, Osborne, Lauternorn, Sullivan, Crisler, Laliberte, Cooney, Gagnon, and Wheeler

**Comments and Recommendations:** *See attached*

**Amendments:**

Sponsor: Rep. *Patten* OLS Document #:  
Sponsor: Rep. *Osborne* OLS Document #:  
Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL Retained (Please circle one.)

Moved by Rep. *Lauternorn*

Seconded by Rep. *Sullivan*

Vote: *4/0*

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,  
Rep. *Betsy Patten*  
Subcommittee Chairman/Clerk

Oct. 27

Discussion re: RSA 51:2-51:9 as is  
currently in statute

re: HB 539 as introduced

re: HB 539 - DRAFT 10/09

Mr. Gerard Miller had proposed some major changes

removing: 1) specific requirements  
for recorded plan

2) penalty

3) local organizations

Rep. Lauterborn moved to reaffirm  
the ITC motion taken on Sept. 15, 2009

Rep. Sullivan seconded. Motion carried  
unanimously.

Rep. Patten will work with Mr. Miller  
to get the issue of town boundaries  
and the laws pertaining to those  
boundaries to the ~~NHMA~~ NH Municipal  
Association policy procedure.

Submitted by  
Rep. Patten

Municipal & County Subcommittee

HB 539

10/27/09

Betsy Patten  
Jim Sullivan

Elaine Lauterborn

Jim J. Ose  
Mary Cooney  
Nancy Helvinus  
John Fournier  
Gerard H. Miller

Cordell Johnston, NH Municipal Ass'n

**51:2 Perambulation of Town Lines.** – The lines between the towns in this state shall be perambulated, and the marks and bounds renewed, once in every 7 years forever, by the selectmen of the towns, or by such persons as they shall in writing appoint for that purpose.

**51:3 Additional Perambulation.** – If the selectmen of any town deem it necessary that the town lines be perambulated or any marks and bounds renewed at other times than at the regular perambulation provided for by RSA 51:2 they may give notice to the selectmen of the town adjoining and the procedure for said perambulation or renewing of bounds shall be the same as that provided in RSA 51:2, 4-7.

**51:4 Return.** – A return of the perambulation shall be made, particularly describing the courses and distances and the marks and monuments of such line, which shall be signed by the selectmen or persons making the same, recorded in the respective town books, and filed with the secretary of state.

**51:5 Notice.** – The selectmen of the town first incorporated, or, if both were incorporated on the same day, of the town which is highest in the proportion of public taxes, shall give to the selectmen of the town adjoining notice of the time and place of meeting for such perambulation 10 days before the day of meeting.

**51:6 Penalty for Selectmen's Neglect to Give Notice or Attend.** – If the selectmen whose duty it is to give such notice shall neglect to notify as aforesaid, or shall neglect to attend agreeably to such notice, or if the selectmen of any town, after being duly notified, shall neglect to attend, or if any selectman shall neglect to cause a return of such perambulation to be made and recorded as aforesaid, each selectman so neglecting shall be guilty of a violation. Any fines collected shall be distributed with 1/2 for the use of the town whose selectmen have done their duty, and the other half to the use of the county.

**51:7 Disagreement.** –

I. When the selectmen of adjoining towns shall disagree in renewing and establishing the lines and bounds of such towns, the superior court for the county in which the town first incorporated or paying the highest tax as aforesaid is situate, upon petition and after notice to the other towns interested, shall, either examine said disputed lines or appoint a committee for that purpose, and the court's decision thereon shall be final; and the court may order either or both towns to pay the costs, as deemed just.

II. For a dispute as to the actual location of a town line arising in a matter on appeal before the board of tax and land appeals pursuant to RSA 76:16-a, the board of tax and land appeals shall have concurrent jurisdiction with the superior court and shall have the authority granted the superior court in paragraph I.

**51:8 By County Commissioners.** – When the place next to any town has no organization and is on the line of adjoining counties, the county commissioners of the county in which the place is situated shall be empowered to act in the perambulation of the line between the county and town, and shall be notified and proceed in the same manner and subject to the same liabilities as the selectmen of towns.

**51:9 Alteration of Town Lines.** – No portion of the territory of any town or city shall be united with another town or city unless the legislative enactment providing for such union shall be ratified by 2/3 of the voters of each town or city affected, present and voting by ballot at the regular annual or biennial meeting for the election of town or city officers held next after the passage of such act.

<p>2009 SESSION</p> <p>HOUSE BILL <b>539-LOCAL</b></p> <p>AN ACT relative to town boundaries and the laws pertaining to such boundaries.</p> <p>SPONSORS: Rep. Theberge, Coos 4; Rep. Butterworth, Ches 4; Rep. Patten, Carr 4; Rep. Ingersoll, Coos 4; Sen. Gallus, Dist 1</p> <p>COMMITTEE: Municipal and County Government</p>	<p><b><u>DRAFT 10/09</u></b></p> <p>HOUSE BILL <b>539-LOCAL</b></p> <p>AN ACT relative to town boundaries and the laws pertaining to such boundaries.</p>	
<p>ANALYSIS</p> <p>This bill modifies certain procedures for the perambulation of towns.</p>		
<p>1 Perambulation of Towns. RSA 51:2 - RSA 51:8 are repealed and reenacted to read as follows:</p> <p>51:2 Perambulation of Town Lines. The lines between cities or towns in this state shall be perambulated, and the marks and bounds renewed, once every 7 years, by the governing body of the cities or towns, or by the county commissioners in the case of unorganized towns, <u>and</u> by such persons as they appoint in writing for such purpose. At least one person <u>from</u> each town to be perambulated shall be <u>appointed</u>.</p>	<p>1 Perambulation of Towns. RSA 51:2 - RSA 51:8 are repealed and reenacted to read as follows:</p> <p>51:2 Perambulation of Town Lines. The lines between cities or towns in this state shall be perambulated, and the marks and bounds renewed, once every 7 years, by the governing body of the cities or towns, or by the county commissioners in the case of unorganized towns, <u>or</u> by such persons as they appoint in writing for such purpose. <u>Riparian and littoral boundary lines and state boundary lines are excluded.</u> At least one person <u>representing</u> each</p>	<p>AMENDMENT CHANGES "AND" TO "OR"; ADDS LANGUAGE PERTAINING TO RIPARIAN AND LITTORAL BOUNDARY LINES; CHANGES "APPOINTED TO "PRESENT".</p>

**HB 539 AS INTRODUCED**

**HB 539 PROPOSED AMENDMENT**

**COMPARISON**

A copy of the return of the perambulation shall be submitted under RSA 51:4 to the governing body of the city or town, or to the county in the case of unorganized towns. A copy of the return shall also be submitted to the department of state, division of archives and records managements, the department of transportation, the office of energy and planning, and NH GRANIT of the university of New Hampshire. Additional persons may be appointed from local youth organizations and local planning and conservation boards to perform the perambulations.

51:3 Additional Perambulation. If the governing body of a city or town, or the superior court of the county in which such city or town is located, finds it necessary for town lines to be perambulated or any marks and bounds to be renewed at times other than those specified under RSA 51:2, the governing body or court may give notice to the governing bodies of adjoining cities or towns and the procedure for such perambulation or renewing of bounds shall be the same as under RSA 51:2, and RSA 51:4 through RSA 51:7.

If bounds are renewed because of damage or removal, the return shall be accompanied by a recorded plan from the appropriate county registry, made by a land surveyor licensed under RSA 310-A:67 at the time the survey for urban, rural, or forest land was made. Placement of the new bound shall be ratified in the manner provided in RSA 51:9.

town to be perambulated shall be present.  
 A copy of the return of the perambulation shall be submitted under RSA 51:4 to the governing body of the city or town, or to the county in the case of unorganized towns. A copy of the return shall also be submitted to the Secretary of State, and NH GRANIT, the state GIS clearing house at the University of New Hampshire.

51:3 Additional Perambulation. If the governing body of a city or town, or the superior court of the county in which such city or town is located, or the Board of Tax and Land Appeals deems it necessary for town lines to be perambulated or any marks and bounds to be renewed at times other than those specified under RSA 51:2, the governing body, court, or board may give notice to the governing bodies of adjoining cities or towns and the procedure for such perambulation or renewing of bounds shall be the same as under RSA 51:2, and RSA 51:4 through RSA51:7.

If bounds are renewed because of damage or removal, the placement of the new bound shall be surveyed by a New Hampshire Licensed Land Surveyor, recorded in the appropriate county registry of deeds, and shall be ratified in the manner provided in RSA 51:9.

ELIMINATES  
 REFERENCES TO  
 DIVISIONS WITHIN  
 SECRETARY OF  
 STATE'S OFFICE AND  
 ADDS REFERENCE TO  
 GIS CLEARING HOUSE.  
 ELIMINATES  
 ADDITIONAL PERSON  
 TO BE APPOINTED.

BTLA ADDED.

ELIMINATES  
 REFERENCE TO  
 RECORDED PLAN AND  
 OTHER TECHNICAL  
 CHANGES.

**HB 539 AS INTRODUCED**

**HB 539 PROPOSED AMENDMENT**

**COMPARISON**

51:4 Return.

I. A return of the perambulation, including the date of the perambulation; the names of the persons perambulating each line and bound; and the signatures of the governing body of the city or town or the persons making the perambulation, shall be made at each bound, specifically describing the following:

(a) The courses and distances and the marks and monuments of each line.

(b) Digital pictures of the bound.

(c) Global positioning system coordinates with equipment, datum, and precision identified

(d) Description of the bound location and any identifiable tie points for the location.

II. Copies of the return shall be submitted as required under RSA 51:2 at the time of completion the perambulation

51:5 Notice. The governing body of the city or town first incorporated, or if both were incorporated on the same day, the city or town which is highest in the proportion of public taxes, shall give to the governing body of the adjoining cities or towns notice of the time and place of meeting for such perambulation a minimum of 30 days before the day of meeting. Notice shall be posted in the cities and towns in 2 local newspapers at least 10 days before the day of the meeting. Individual owners, identified by tax records, of

51:4 Return.

A return of the perambulation as required under RSA 51:2 including the date of the perambulation, the names of the persons perambulating each line segment and bound, and the signatures of the governing body of the city or town or the persons making the perambulation, shall specifically describe the following:

(a) The courses and distances and the marks and monuments of each line segment

(b) Photograph of each bound.

(c) The position of each bound recorded in Latitude and Longitude or Plane Coordinates to plus or minus maximum of 40 feet, with a description of type the of equipment used, datum, and actual precision identified

(d) Description of the bound and any identifiable tie points for the location.

51:5 Notice. The governing body of the city or town first incorporated, or if both were incorporated on the same day, the city or town which is highest in the proportion of public taxes, shall give to the governing body of the adjoining cities or towns notice of the time and place of meeting for such perambulation a minimum of 30 days before the day of meeting. Notice shall be posted in the cities and towns in 2 local newspapers at least 10 days before the day of the meeting. Individual owners, identified by tax records, of

**ADDS REFERENCE.**

**CHANGES REQUIREMENTS FOR DESCRIPTION.**

**HB 539 AS INTRODUCED**

**HB 539 PROPOSED AMENDMENT**

**COMPARISON**

property that abuts or is bisected by the lines shall be notified in writing at least 10 days before the day of the meeting. After notice has been made, the governing body of the city or town and its agents or appointees may enter upon any lands in the state to perform its duties under this chapter.

51:6 Penalty for Neglect of Governing Body to Give Notice or Attend. If the governing body of a city or town or the county commissioners neglects to give notice under RSA 51:5, or neglects to attend agreeably to such notice, or if the governing body of a city or town neglects to cause a return of such perambulation to be made and recorded, each city or town so neglecting shall be subject to the following fines to be levied by the superior court upon petition of a city, town, county, or any owner of individual property abutting or bisected by a line. Any fines collected shall be distributed with 1/2 for the use of the town whose governing body has not neglected its duty, or in the case that both have neglected their duty, 1/2 for the use of individuals having petitioned and the other 1/2 for the use of the county. If the duties of the governing body of the city or town have been performed in every 7-year period, there shall be no fine. If the duties of the governing body of the city or town have not been performed by the 8th year period, the fine against the non-compliant city or town shall be \$500 for each line and \$5,000 for each year of non-compliance thereafter, but not to exceed \$70,000 for each line between cities and towns.

property that abuts or is bisected by the lines shall be notified in writing at least 10 days before the day of the meeting. After notice has been made, the governing body of the city or town and its agents or appointees may enter upon any lands in the state to perform its duties under this chapter.

51:6 Penalty for Neglect of Governing Body to Give Notice or Attend or Make Return. If the governing body of a city or town or the county commissioners neglects to give notice under RSA 51:5, or neglects to attend agreeably to such notice, or if the governing body of a city or town neglects to cause a return of such perambulation to be made and recorded, each city or town so neglecting shall be subject to costs to be levied by the superior court upon petition of a city, town, county, or any owner of individual property abutting or bisected by a line segment in disagreement in accordance with RSA 51:7.

**CHANGES FINES TO COSTS.**



**HB 539 AS INTRODUCED**

**HB 539 PROPOSED AMENDMENT**

**COMPARISON**

51:7 Disagreement.

I. When the governing body of an adjoining city or town disagrees in renewing and establishing the lines and bounds of such towns within the 7-year period, the superior court for the county in which the city or town first incorporated or paying the highest tax is situate, upon petition by a city or town, county commissioners, or individuals abutting or bisected by a line and after notice to the other interested cities or towns, shall either examine said disputed lines or appoint a committee for that purpose. The court's decision thereon shall be final and the court may order either or both towns to pay the costs, as deemed just.

II. For a dispute as to the actual location of a city or town line arising in a matter on appeal before the board of tax and land appeals pursuant to RSA 76:16-a, the board of tax and land appeals shall have concurrent jurisdiction with the superior court and shall have the authority granted the superior court in paragraph I.

51:8 By County Commissioners. When the place next to any town has no organization and is on the line of adjoining counties, the county commissioners of the county in which the place is situated shall be empowered to act in the perambulation of the line between the county and town, and shall be notified and proceed in the same manner and

51:7 Disagreement.

I. When the governing body of an adjoining city or town disagrees in renewing and establishing the line segments and bounds of such towns within the 7-year period, the superior court for the county in which the city or town first incorporated or paying the highest tax is situate, upon petition by a city or town, county commissioners, or individuals abutting or bisected by a line segment, and after notice to the other interested cities or towns, shall either examine said disputed line segments or appoint a committee for that purpose. The court's decision thereon shall be final and the court may order either or both towns to pay the costs for the court and attorney fees, for surveys, monumentation, and recording, as deemed just.

II. For a dispute as to the actual location of a city or town line segment arising in a matter on appeal before the board of tax and land appeals pursuant to RSA 76:16-a, the board of tax and land appeals shall have concurrent jurisdiction with the superior court and shall have the authority granted the superior court in paragraph I.

51:8 By County Commissioners. When the place next to any town has no organization and is on the line of adjoining counties, the county commissioners of the county in which the place is situated shall be empowered to act in the perambulation of the line between the county and town, and shall be notified and proceed in the same manner and

**ADDS COURT,  
ATTORNEY AND  
SURVEYING FEES  
SPECIFICALLY TO  
COSTS WHICH MAY BE  
ORDERED BY COURT.**

**HB 539 AS INTRODUCED****HB 539 PROPOSED AMENDMENT****COMPARISON**

subject to the same liabilities as the governing body of the city or towns.	subject to the same liabilities as the governing body of the city or towns.	
2 Effective Date. This act shall take effect 60 days after its passage.	2 Effective Date. This act shall take effect January 1 <sup>st</sup> next following its passage and shall begin the 7 year cycle.	<b>CHANGES EFFECTIVE DATE TO FOLLOWING JANUARY. 2<sup>ND</sup> CLAUSE NOT APPROPRIATE EFFECTIVE DATE LANGUAGE?</b>

# Sub-Committee Minutes

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**HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT**  
**SUBCOMMITTEE WORK SESSION ON HB 539-LOCAL**

**BILL TITLE:** relative to town boundaries and the laws pertaining to such boundaries.

**DATE:** April 14, 2009

**Subcommittee Members:** Reps. Cooney, Gagnon, Carlson, Osborne, Lauterborn, Sullivan,  
Boisvert, Patten, Sullivan, Sterling, Ferrante, Perkins, Crisler

**Comments and Recommendations:** See attached notes

**Amendments:**

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,  
Rep. Patten / Crisler  
Subcommittee Chairman/Clerk

**Patten, Betsey**

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**From:** Patten, Betsey  
**To:** lindarafeal@leg.state.nh.us  
**Cc:**  
**Subject:** HB539  
**Attachments:**

**Sent:** Wed 4/29/2009 8:30 AM

Linda - Lets try this way. Betsey

**Attendees:**

M&C Committee members: Cooney, Gagnon, Carlson, Lauterborn, Boisvert, Patten, Sullivan, Sterling, Ferrante, Perkins, Crisler.

Other: Rep. Theberge, Jerry Miller, Bryan Nelson Buckhardt, Judy Silva

Subcommittee Chair: Representative Betsey Patten

Representative Patten summarized the problems HB 539 is intended to address as follows: Town bounds are not as described in historic records, causing discrepancies affecting not just Town lines, but also County boundaries. In addition, Selectmen from various Towns have not been diligent about perambulating the bounds as required by statute, causing many markers to be lost.

Mr. Miller provided the subcommittee with the Middleton/Wakefield boundaries perambulation reports for 1889 and 1992, showing that only 3 bounds are the same, leaving surveyors unable to determine the actual Town line. Also discussed was a case in Raymond where a paper subdivision caused difficulties.

The committee was interested in learning that the State conducted an extensive survey in 1809 of all Town lines and set boundaries at that time. The maps from this survey are in the State archives, but the surveyors' notebooks have not been retained, causing difficulty in determining the modern locations.

The fact that, under current law, only the Legislature can set a Town boundary if it has been lost or disputed was discussed.

After extensive discussion, the subcommittee concluded as follows:

- The legislature should allow Town Selectmen to mutually agree upon boundaries that have been lost.
- Landowners who are affected by the lack of clear boundaries should be able to force Town Selectmen to perambulate and establish boundaries.
- We should use the various examples of problems presented to us to move back and take a look at the entire process and determine how it can be improved.

**Action:**

Judy Silva NHMA agreed to explore the Raymond case of a paper subdivision becoming an issue affected by unclear boundaries and submit an analysis to the committee.

Respectfully submitted,

Margaret M. Crisler

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

SUBCOMMITTEE WORK SESSION ON HB 539-LOCAL

**BILL TITLE:** relative to town boundaries and the laws pertaining to such boundaries.

**DATE:** May 5, 2009

**Subcommittee Members:** Reps. Patten, Osborne, Lauterborn, Sullivan, Crisler, Laliberte, Cooney, Gagnon, and Wheeler

**Comments and Recommendations:** Discussion: Scope of problem, timeline on boundary Wakefield vs. Middleton. Review of process by Gerald Miller. Education of Selectmen. Goal – every monument identified and picture available. Granit – UNH, Cooperative Extension and towns Cooperative efforts needed.

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Betsey Patten  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

SUBCOMMITTEE WORK SESSION ON HB 539-LOCAL

BILL TITLE: relative to town boundaries and the laws pertaining to such boundaries.

DATE: May 5, 2009

Subcommittee Members: Reps. Patten, Osborne, Lauterborn, Sullivan & Crisler  
Haliberte, Cooney, Gagnon, Wheeler

Comments and Recommendations:

Amendments:

Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.  
Seconded by Rep.  
Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.  
Seconded by Rep.  
Vote:

Respectfully submitted,  
Rep.  
Subcommittee Chairman/Clerk

Discussion:  
Scope of Problem  
Time line on  
boundary  
Wakefield vs  
Middleton  
Review of process  
by Gerald Miller  
Education of  
Selectmen  
Goal- every  
monument  
identified &  
picture available  
GRANT- UNH,  
Cooperative  
Extension  
and towns  
Cooperative  
efforts needed



# Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 539-LOCAL

**BILL TITLE:** relative to town boundaries and the laws pertaining to such boundaries.

**DATE:** February 17, 2009

**LOB ROOM:**

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, **Retain** (Please circle one.)

Moved by Rep. Patten

Seconded by Rep. Osborne

Vote: 18-0 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Dianne E. Schuett, Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 539-LOCAL

BILL TITLE: relative to town boundaries and the laws pertaining to such boundaries.

DATE: 2/17/2009

LOB ROOM: 301, LOB

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one)

RETAIN

Moved by Rep. *Patten*

Seconded by Rep. *Osborne*

Vote: *18-0* (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Dianne E. Schuett, Clerk

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB 539 Title: Town boundaries (peramulating)

PH Date: 2/11/2009

Exec Session Date: 2/17/2009

Motion: retain

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Cooney, Mary R, Chairman	18	
Gagnon, Raymond G, V Chairman	1	
Osborne, Jessie L	2	
Brown, Larry	3	
Laliberte, Suzanne S	4	
Wheeler, Deborah	5	
Boisvert, Ronald R	6	
Carlson, Nancy L	7	
Lauterborn, Elaine M	8	
Lewis, Robert D	9	
Schuett, Dianne E, Clerk	10	
Patten, Betsey L	11	
Boyce, Laurie J <i>absent</i>		
Soucy, Connie M	12	
Sullivan, James M	13	
Crisler, Margaret M	14	
Ferrante, Beverly A	15	
Perkins, Amy Stasia	16	
Sterling, Franklin W	17	
TOTAL VOTE:	18	0

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 539-LOCAL

**BILL TITLE:** relative to town boundaries and the laws pertaining to such boundaries.

**DATE:** October 28, 2009

**LOB ROOM:** 301

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Patten

Seconded by Rep. Boyce

Vote: 16-0 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE: 16-0**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. ~~Dianne E. Schuett~~, Clerk

Jessie Osborn

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 539-LOCAL

**BILL TITLE:** relative to town boundaries and the laws pertaining to such boundaries.

**DATE:** October 28, 2009

**LOB ROOM:** 301

Amendments:

Sponsor: Rep. *Patton* OLS Document #:  
Sponsor: Rep. *Boyer* OLS Document #:  
Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Patton*

Seconded by Rep. *Boyer*

Vote: *16/0* (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: *Carlson*

(Vote to place on Consent Calendar must be unanimous.) *Patton*

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Dianne E. Schuett, Clerk

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: 539 Title: Relative to town Boundaries and the laws Pertaining to such boundaries  
 PH Date: 02 / 17 / 2009 Exec Session Date: 10 / 28 / 2009

Motion: ITL Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Cooney, Mary R, Chairman	✓	
Gagnon, Raymond G, V Chairman	✓	
Osborne, Jessie L	✓	
Brown, Larry	✓	
Laliberte, Suzanne S	✓	
Wheeler, Deborah	ab	
Boisvert, Ronald R	✓	
Carlson, Nancy L	✓	
Lauterborn, Elaine M	✓	
Lewis, Robert D	ab	
Schuett, Dianne E, Clerk	ab -	
Patten, Betsey L	✓	
Boyce, Laurie J	✓	
Soucy, Connie M	✓	
Sullivan, James M	✓	
Crisler, Margaret M	✓	
Ferrante, Beverly A	✓	
Perkins, Amy Stasia	✓	
Sterling, Franklin W	✓	
TOTAL VOTE:	16	0

# Committee Report



**CONSENT CALENDAR**

**November 2, 2009**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on MUNICIPAL AND COUNTY  
GOVERNMENT to which was referred HB539-L,**

**AN ACT relative to town boundaries and the laws  
pertaining to such boundaries. Having considered the  
same, report the same with the following Resolution:  
RESOLVED, That it is INEXPEDIENT TO LEGISLATE.**

**Rep. Betsey L Patten**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>MUNICIPAL AND COUNTY GOVERNMENT</b>
Bill Number:	<b>HB539-L</b>
Title:	<b>relative to town boundaries and the laws pertaining to such boundaries.</b>
Date:	<b>November 2, 2009</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### STATEMENT OF INTENT

RSA 51:2-9 deals with the perambulation of town lines. The current procedure sets out exactly what the governing body has to do if the boundary between two towns is either agreed to or not. HB 539 proposed changes to deal with the noncompliance of the towns who do not perambulate. The legislative history was researched and it showed that any attempt to change RSA 51:2-9 with more requirements has not been accepted. Municipal and County Government Committee recognizes that there is another venue to address this issue – the New Hampshire Municipal Association Policy Procedure – to try to find consensus.

Vote 16-0.

Rep. Betsey L Patten  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### MUNICIPAL AND COUNTY GOVERNMENT

**HB539-L**, relative to town boundaries and the laws pertaining to such boundaries. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsy L Patten for MUNICIPAL AND COUNTY GOVERNMENT. RSA 51:2-9 deals with the perambulation of town lines. The current procedure sets out exactly what the governing body has to do if the boundary between two towns is either agreed to or not. HB 539 proposed changes to deal with the noncompliance of the towns who do not perambulate. The legislative history was researched and it showed that any attempt to change RSA 51:2-9 with more requirements has not been accepted. Municipal and County Government Committee recognizes that there is another venue to address this issue – the New Hampshire Municipal Association Policy Procedure – to try to find consensus. **Vote 16-0.**

Original: House Clerk

Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: MFCG

BILL NUMBER: HB 539

TITLE: relative to town boundary and the laws pertaining to such boundaries

DATE: 10/28/09 CONSENT CALENDAR: YES  NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No.  
\_\_\_\_\_

STATEMENT OF INTENT:

\_\_\_\_\_  
\_\_\_\_\_  
attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMITTEE VOTE: 16-0

- Copy to Committee Bill File
- Use Another Report for Minority Report

RESPECTFULLY SUBMITTED,

Rep. Betsy Patten  
For the Committee

HB 539 relative to town boundaries  
and the laws pertaining to such  
boundaries.

RSA 51:2-9 deals with the preamble of town lines. The <sup>current</sup> procedure sets out exactly what the <sup>governing body</sup> Selectmen ~~have~~ <sup>has</sup> to do if their boundary between two towns ~~was agreed to or disagreed with upon.~~ is either agreed to or not.

HB 539 proposed changes to deal with the noncompliance of ~~some~~ <sup>the</sup> towns who do not preambulate. The ~~history~~ legislative history ~~has~~ ~~shows~~ was researched and <sup>attempt to change</sup> it showed that any ~~change~~ ~~of~~ ~~make~~ RSA 51:2-9 with more requirements has not been accepted. M+CG recognizes that there is another venue to address this issue - the NH Municipal Association Policy Procedure - and will ~~pro~~ to try to find consensus.

Mary Cooney

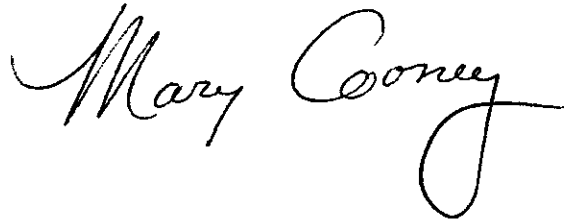
HB 539-LOCAL

ITL

RSA 51:2-9 deals with the perambulation of town lines. The current procedure sets out exactly what the governing body has to do if the boundary between two towns is either agreed to or not. HB 539 proposed changes to deal with the noncompliance of the towns who do not perambulate. The legislative history was researched and it showed that any attempt to change RSA 51:2-9 with more requirements has not been accepted. Municipal and County Government Committee recognizes that there is another venue to address this issue – the New Hampshire Municipal Association Policy Procedure – to try to find consensus.

Betsy Patten

16-0

A handwritten signature in cursive script that reads "Mary Cooney". The signature is written in black ink and is positioned in the lower right quadrant of the page.