

LEGISLATIVE COMMITTEE MINUTES

SB28

Bill as Introduced

SB 26 - AS INTRODUCED

2021 SESSION

21-0527

06/10

SENATE BILL

26

AN ACT

relative to roads within the Woodsville Fire District.

SPONSORS:

Sen. Giuda, Dist 2; Sen. Watters, Dist 4; Sen. Birdsell, Dist 19; Rep. Binford, Graf. 15; Rep. Weyler, Rock. 13

COMMITTEE:

Executive Departments and Administration

ANALYSIS

This bill:

I. Repeals the law requiring the town of Haverhill to fund the Woodsville fire district's highway department and road maintenance, in accordance with warrant articles passed at Haverhill's annual town meeting.

II. Requires the town of Haverhill to assume all responsibilities for the care and maintenance of all roads and highways within the Woodsville fire precinct.

III. Requires the Woodsville fire district to perform financial audits of all funds received from the town of Haverhill and all other sources, and all funds expended by the fire district, for each year 2015 to 2020.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to roads within the Woodsville Fire District.

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

1 1 Town of Haverhill; Woodsville Fire District. Amend 1887, 204:3, as amended by 1899, 196:2;
2 1990, 37:1; and 2009, 147:1 to read as follows:

3 SECT. 3. Said district at each annual meeting shall elect by ballot a moderator, a clerk, one
4 auditor, a treasurer, and three commissioners. All of said officers shall be elected by a majority vote
5 of all the voters present and voting at the annual meeting. Said officers shall exercise in relation to
6 district meetings the like powers to those of moderator, clerk, and selectmen of towns. The
7 commissioners shall have within the district all the powers of the mayor and aldermen of any city
8 respecting [~~highways,~~] sidewalks[~~]~~ and sewers. They shall control and direct the expenditure of all
9 moneys raised under authority of the district and by the town of Haverhill for expenditure in the
10 district. [~~They shall have sole authority to appoint a highway surveyor in said district, and in
11 default of such appointment shall themselves perform the duties of that office. The surveyor or
12 commissioners performing the duties of highway surveyor in the district shall give bond to the town
13 to account for all money coming into their hands, and for the proper care and custody of the property
14 of the town or district which may come into their custody or control, and shall be deemed officers of
15 the town. Nothing in this act shall be construed to impose any distinct or special liability upon the
16 district respecting highways within its limits.] Vacancies that may occur in the office of
17 commissioner in the district shall be filled by appointment of the remaining commissioners or
18 commissioner, but any commissioner appointed to fill a vacancy shall hold office only until the next
19 annual district meeting. Commissioners shall be residents of the district. [~~The money appropriated
20 for the distribution of highway funds in the district which is attributable to the town of Haverhill
21 shall be determined by a fraction, the numerator of which shall be the assessed valuation of the
22 properties in the district, and the denominator of which shall be the assessed valuation of the
23 properties in the entire town of Haverhill as determined annually from the town MS 1 form. The
24 town of Haverhill shall appropriate the percentage represented by such fraction for distribution to
25 the highway fund in care of the Woodsville fire district commissioners.] *The town of Haverhill
26 shall be responsible for the care and maintenance of all roads within its boundaries,
27 including all precincts and districts. Highway block grant funds shall be distributed in
28 accordance with the department of transportation formula, and all other appropriations
29 shall be as directed by warrant articles duly voted by the voters present and voting at each
30 annual Haverhill town meeting.*~~~~

SB 26 - AS INTRODUCED

- Page 2 -

1 2 Financial Audit Requirement. No later than one year after the effective date of section 1 of
2 this act, the Woodsville fire district shall provide financial audits by a certified public accountant
3 approved by the department of revenue administration that is compliant with generally accepted
4 accounting practices (GAAP), of all funds received from the town of Haverhill and all other sources
5 including state and federal funds, and of all funds expended by the fire district, for each calendar
6 year commencing January 1, 2015 to the effective date of section 1 of this act, as directed by the
7 department of revenue administration. The department of revenue administration shall approve the
8 scope of the audit and shall receive monthly updates from the certified public accountant and the
9 Woodsville fire district on the status of the audit while it is in progress. The results of the audit
10 shall be published on the town of Haverhill website within 60 days of delivery by the certified public
11 accountant to the Woodsville fire district and the department of revenue administration. The audit
12 shall be at the expense of the Woodsville fire district. Reimbursement of any expenses related to the
13 audit incurred by the department of revenue administration shall be in accordance with the
14 provisions of RSA 21-J:22. The department of revenue administration may levy a fine of \$250 per
15 day against the Woodsville fire district for every day of noncompliance with this act beyond one year
16 from the effective date of this act. The commissioner may waive such fine at his or her discretion,
17 subject to the good faith efforts of the Woodsville fire district to comply with all relevant laws and
18 the provisions of this act.

19 3 Effective Date. This act shall take effect upon its passage.

SB 26 - AS AMENDED BY THE SENATE

03/11/2021 0765s

2021 SESSION

21-0527

06/10

SENATE BILL **26**

AN ACT relative to roads within the Woodsville Fire District.

SPONSORS: Sen. Giuda, Dist 2; Sen. Watters, Dist 4; Sen. Birdsell, Dist 19; Rep. Binford, Graf. 15; Rep. Weyler, Rock. 13

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill modifies the law on the operation and funding of the Woodsville fire district and directs that appropriations to the Woodsville fire district shall be as directed by warrant articles duly voted at each annual Haverhill town meeting.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

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6 district meetings the like powers to those of moderator, clerk, and selectmen of towns. The
7 commissioners shall have within the district all the powers of the mayor and aldermen of any city
8 respecting highways, sidewalks, and sewers. They shall control and direct the expenditure of all
9 moneys raised under authority of the district and by the town of Haverhill for expenditure in the
10 district. They shall have sole authority to appoint a highway surveyor in said district, and in default
11 of such appointment shall themselves perform the duties of that office. The surveyor or
12 commissioners performing the duties of highway surveyor in the district shall give bond to the town
13 to account for all money coming into their hands, and for the proper care and custody of the property
14 of the town or district which may come into their custody or control, and shall be deemed officers of
15 the town. Nothing in this act shall be construed to impose any distinct or special liability upon the
16 district respecting highways within its limits. ***Nothing in this section shall preclude the***
17 ***Woodsville fire district from maintaining the roads within the precinct at its own expense.***
18 Vacancies that may occur in the office of commissioner in the district shall be filled by appointment
19 of the remaining commissioners or commissioner, but any commissioner appointed to fill a vacancy
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21 district. ~~[The money appropriated for the distribution of highway funds in the district which is~~
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27 ***Highway block grant funds shall be distributed in accordance with the department of***
28 ***transportation formula. Any appropriations to the Woodsville fire district shall be as***
29 ***directed by warrant articles duly voted by the voters present and voting at each annual***
30 ***Haverhill town meeting.***

SB 26 - AS AMENDED BY THE SENATE

- Page 2 -

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6 year commencing January 1, 2015 to the effective date of section 1 of this act, as directed by the
7 department of revenue administration. The department of revenue administration shall approve the
8 scope of the audit and shall receive monthly updates from the certified public accountant and the
9 Woodsville fire district on the status of the audit while it is in progress. The results of the audit
10 shall be published on the town of Haverhill website within 60 days of delivery by the certified public
11 accountant to the Woodsville fire district and the department of revenue administration. The audit
12 shall be at the expense of the Woodsville fire district. Reimbursement of any expenses related to the
13 audit incurred by the department of revenue administration shall be in accordance with the
14 provisions of RSA 21-J:22. The department of revenue administration may levy a fine of \$250 per
15 day against the Woodsville fire district for every day of noncompliance with this act beyond one year
16 from the effective date of this act. The commissioner may waive such fine at his or her discretion,
17 subject to the good faith efforts of the Woodsville fire district to comply with all relevant laws and
18 the provisions of this act.

19 3 Effective Date. This act shall take effect upon its passage.

CHAPTER 124
SB 26 - FINAL VERSION

03/11/2021 0765s

2021 SESSION

21-0527
06/10

SENATE BILL

26

AN ACT

relative to roads within the Woodsville Fire District.

SPONSORS:

Sen. Giuda, Dist 2; Sen. Watters, Dist 4; Sen. Birdsell, Dist 19; Rep. Binford,
Graf. 15; Rep. Weyler, Rock. 13

COMMITTEE:

Executive Departments and Administration

AMENDED ANALYSIS

This bill modifies the law on the operation and funding of the Woodsville fire district and directs that appropriations to the Woodsville fire district shall be as directed by warrant articles duly voted at each annual Haverhill town meeting.

Explanation:

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CHAPTER 124
SB 26 - FINAL VERSION

03/11/2021 0765s

21-0527
06/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to roads within the Woodsville Fire District.

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

1 124:1 Town of Haverhill; Woodsville Fire District. Amend 1887, 204:3, as amended by 1899,
2 196:2; 1990, 37:1; and 2009, 147:1 to read as follows:

3 SECT. 3. Said district at each annual meeting shall elect by ballot a moderator, a clerk, one
4 auditor, a treasurer, and three commissioners. All of said officers shall be elected by a majority vote
5 of all the voters present and voting at the annual meeting. Said officers shall exercise in relation to
6 district meetings the like powers to those of moderator, clerk, and selectmen of towns. The
7 commissioners shall have within the district all the powers of the mayor and aldermen of any city
8 respecting highways, sidewalks, and sewers. They shall control and direct the expenditure of all
9 moneys raised under authority of the district and by the town of Haverhill for expenditure in the
10 district. They shall have sole authority to appoint a highway surveyor in said district, and in default
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15 the town. Nothing in this act shall be construed to impose any distinct or special liability upon the
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17 ***Woodsville fire district from maintaining the roads within the precinct at its own expense.***
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CHAPTER 124
SB 26 - FINAL VERSION

- Page 2 -

1 124:2 Financial Audit Requirement. No later than one year after the effective date of section 1
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15 day against the Woodsville fire district for every day of noncompliance with this act beyond one year
16 from the effective date of this act. The commissioner may waive such fine at his or her discretion,
17 subject to the good faith efforts of the Woodsville fire district to comply with all relevant laws and
18 the provisions of this act.

124:3 Effective Date. This act shall take effect upon its passage.

Approved: Enacted in accordance with Part II, Article 44 of N.H. Constitution, without signature of
the governor, July 14, 2021
Effective Date: July 14, 2021

Amendments

Sen. Giuda, Dist 2
Sen. Carson, Dist 14
Sen. D'Allesandro, Dist 20
March 10, 2021
2021-0765s
06/10

Floor Amendment to SB 26

1 Amend the bill by replacing section 1 with the following:

2

3 1 Town of Haverhill; Woodsville Fire District. Amend 1887, 204:3, as amended by 1899, 196:2;
4 1990, 37:1; and 2009, 147:1 to read as follows:

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Floor Amendment to SB 26

- Page 2 -

- 1 *directed by warrant articles duly voted by the voters present and voting at each annual*
- 2 *Haverhill town meeting.*

2021-0765s

AMENDED ANALYSIS

This bill modifies the law on the operation and funding of the Woodsville fire district and directs that appropriations to the Woodsville fire district shall be as directed by warrant articles duly voted at each annual Haverhill town meeting.

Committee Minutes

SENATE CALENDAR NOTICE
Executive Departments and Administration

Sen Sharon Carson, Chair
Sen John Reagan, Vice Chair
Sen Denise Ricciardi, Member
Sen Kevin Cavanaugh, Member
Sen Suzanne Prentiss, Member

Date: January 7, 2021

HEARINGS

Wednesday	01/13/2021	
(Day)	(Date)	
Executive Departments and Administration	REMOTE 000	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m. SB 15	relative to ratification of amendments to the state building code.	
9:15 a.m. SB 21	relative to the Pease development authority board of directors.	
9:30 a.m. SB 26	relative to roads within the Woodsville Fire District.	

EXECUTIVE SESSION MAY FOLLOW

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/93267485524>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: 19292056099,,93267485524# or 13017158592,,93267485524#
4. Webinar ID: 932 6748 5524
5. To view/listen to this hearing on YouTube, use this link:
<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

Cameron Lapine 271-3093

Sharon M Carson
Chairman

Sponsors:

SB 15

Sen. Carson

SB 21

Sen. Sherman

SB 26

Sen. Giuda

Rep. Weyler

Sen. Gray

Sen. Watters

Rep. Malloy

Sen. Birdsall

Rep. Hamblet

Rep. Binford

Senate Executive Departments and Administration Committee

Cameron Lapine 271-3091

SB 26, relative to roads within the Woodsville Fire District.

Hearing Date: January 13, 2021

Time Opened: 9:30 a.m.

Time Closed: 10:33 a.m.

Members of the Committee Present: Senators Carson, Reagan, Ricciardi, Cavanaugh and Prentiss

Members of the Committee Absent : None

Bill Analysis: This bill:

I. Repeals the law requiring the town of Haverhill to fund the Woodsville fire district's highway department and road maintenance, in accordance with warrant articles passed at Haverhill's annual town meeting.

II. Requires the town of Haverhill to assume all responsibilities for the care and maintenance of all roads and highways within the Woodsville fire precinct.

III. Requires the Woodsville fire district to perform financial audits of all funds received from the town of Haverhill and all other sources, and all funds expended by the fire district, for each year 2015 to 2020.

Sponsors:

Sen. Giuda
Rep. Binford

Sen. Watters
Rep. Weyler

Sen. Birdsell

Who supports the bill: Senator Bob Giuda (Senate District 2), Senator David Watters (Senate District 4), Senator Regina Birdsell (Senate District 19), Brigitte Codling (Town Manager -- Town of Haverhill), Darwin Clogston (Town of Haverhill), and Robert Clegg (Town of Haverhill).

Who opposes the bill: Representative Rick Ladd (Grafton -- District 4), Kevin Shelton, Glenn English, and Michael Graham.

Who is neutral on the bill: James Gerry (Department of Revenue Administration)

Summary of testimony presented in support:

Senator Bob Giuda – Provided Written Testimony

Senate District 2

- Senator Giuda introduced SB 26.
- Senator Giuda said that the intent of SB 26 was to end the interference of the General Court in a matter of local tax revenue distribution. He said that the town of Haverhill and the Selectboard of Haverhill support SB 26.
- Section I of SB 26 deals with the issue of local tax revenue allocation. Section II deals with the issue of non-compliance with Department of Revenue Administration (DRA) audits.
- Senator Giuda said that the Woodsville Fire District received five times as much revenue per road mile than that rest of the town of Haverhill.
- Senator Giuda said that Woodsville has never performed a required audit. He said that there was an attempt in 2014 but Woodsville failed to provide appropriate documents.

Brigitte Codling – Provided Written Testimony

Town Manager, Town of Haverhill

- Ms. Codling began as Town Manager of Haverhill in April of 2019. During the summer of 2019, she was approached by the town's financial officer to review the highway funding formula with Woodsville. They discovered that the funding formula had changed several times to make adjustments to the formula, usually resulting in an increase in funding for Woodsville.
- The Woodsville Highway Department maintains 8 miles of road. The town of Haverhill maintains 74 miles of road in the rest of the town. Woodsville receives 25% of the Haverhill highway funds despite maintaining only 10% of the road miles.
- The average budget for the Woodsville Fire District was \$420,000 for 8 miles of road while the town received, on average, \$700,000 for the remaining 73 miles. Woodsville was being paid \$50,000 per mile compared to \$9,500 per mile in the rest of the town.
- Ms. Codling said that while Woodsville voted 52-0 against the merger, the town of Haverhill, as a whole, overwhelmingly supported and adopted the Warrant Article. She said that it does not make sense to fund a separate highway department for 8 miles of road.
- Ms. Codling said that the forefathers of Woodsville were wrong in their management of the District's finances. She said that they also were wrong in creating two highway departments. She said that the town is well equipped to add the 8 miles of road to their service and save the town a lot of money.
- Ms. Codling said that any transition will be a collaboration. She said that SB 26 is asking the General Court to free Haverhill and allow the people of the town to make their own decisions.

Darwin Clogston

Chair, Town of Haverhill Selectboard

- Mr. Clogston said that the town of Haverhill elects its five-member Selectboard at-large,

across all five villages in the town.

- He said that the issue of road maintenance has been divisive for many years, even after SB 75-L (2009). SB 75-L (2009) did not do as expected. Instead, Mr. Clogston said, the interpretation of the law became that if the town purchased a \$100,000 road grader, Woodsville had to receive \$25,000. He said that no one intended to create bad feelings but the system is unfair and needs to be addressed.
- Mr. Clogston said that the Selectboard voted unanimously to make the road maintenance system more equitable. He said that the solution is in SB 26. He said that every road mile should be on equal status regardless of where it is or where it goes.
- Mr. Clogston acknowledged that the issue sounds like small town politics but it is a lot of money being sent to one village against the others. He said that Woodsville does not give enough in village taxes to make up the difference.
- He asked the General Court to undo the mistakes of the past and allow the people of Haverhill to see each other as equals.

Robert Clegg

Representing the town of Haverhill

- Addressing Section II of SB 26, Mr. Clegg pointed out that audits are only one part of the bill. He said that Woodsville was not a willing participant in the ongoing audit. He added that it took many years of right-to-know requests under RSA 91-A.
- Mr. Clegg agreed that Concord should get out of the way, but the only way to do so is if both sides are on an equal level. Concord has given Woodsville an upper hand through the existing financial subsidies. He said that Woodsville's private enterprises are being audited, which are supplemented by highway funds. He said that a vote in Woodsville is essentially asking people if they want to continue to receive free money or if they want to do what is right.
- SB 75-L (2009) increased the amount of money going to Woodsville at the expense of Haverhill. He said that more people from Woodsville had signed the most recent memorandum of understanding (MOU). Mr. Clegg said that the issues had been going on for a number of years and that it isn't fair and can't keep going on.
- Mr. Clegg said that Mr. English had a lifetime contract to be Haverhill's Town Administrator. Mr. English said that Woodsville shouldn't have to pay for two highway departments; Mr. Clegg said that Haverhill currently has to pay for two highway departments.
- Mr. Clegg said that the town has tried to consolidate things so that people can afford to stay in their homes. He said that the town of Haverhill said "yes" to have one fire department but Woodsville said "no". He said that the town wants one Fire Chief so that everyone can work together.
- Mr. Clegg said that Woodsville makes money off of its ambulance service.
- Mr. Clegg said that he wants Concord to take out the mandate that Woodsville gets a percentage of all Haverhill tax money which exceeds what other villages get. He said that it wasn't fair. He said that Concord should let the town decide how to spend its money as a unit, not with a privileged side supported by Concord.
- Mr. Clegg said that he has a case before the Tax and Land Appeals Board that illustrates how unfair the appraisal system is. He said that it goes back to people using and abusing the system to their personal benefit.

Summary of testimony presented in opposition:

Representative Rick Ladd – Provided Written Testimony

Grafton – District 4

- Representative Ladd said that SB 26 is a continuation of SB 414 (2020) and HB 1234 (2020). Rep. Ladd said that the primary reason that HB 1234 (2020) was vetoed – and the veto was sustained – was because of the Woodsville Fire District issue.
- Rep. Ladd worked with former Senator Deborah Reynolds on SB 75-L (2009), which dealt with the distribution of highway block grant funds. SB 75-L (2009) had the support of all Woodsville Fire District Commissioners and the town of Haverhill Selectmen.
- Haverhill has several different precincts and commissions for water service, fire, planning boards, and such. Rep. Ladd said that Haverhill is a different sort of town, a lot like the town of Conway.
- In the spring of 2020, the town of Haverhill had its town meeting. Warrant Article 24 dealt with a merger of the two highway departments for the town of Haverhill and the Woodsville Fire Precinct. There were presentations on the Warrant Article. While the town of Haverhill overall supported Warrant Article 24, the Warrant Article was subject to an affirmative vote of the residents of the Woodsville in order to transfer over assets. The vote in Woodsville was 52-0 against the merger. At the same time, a vote in the village of Haverhill Corner to merge the Haverhill Corner Fire Department with the town Fire Department was also rejected, 45-6 against the merger.
- Rep. Ladd said that no plans were presented at the town meetings as to how the mergers would actually take place. He said that the voters objected to the lack of information on personnel, salaries, retirement plans, vehicles, buildings, and property taxes involved in the mergers.
- Rep. Ladd agreed with Senator Giuda that the issue at hand was a local issue. Rep. Ladd said that he wants to comply with the Department of Transportation (DOT) formula for road miles. He said that Woodsville would get the same percentage of funds based on the DOT formula.
- The Woodsville Fire District Commissioners have reorganized their management and supervision system, having hired a manager who recognizes that there has been “sloppy” management of the District’s books. Rep. Ladd said that the “sloppy” management of the books goes back to their roots as a small town and that it was not criminal activity, it was just the way that their forefathers managed the system.
- Rep. Ladd cautioned the Committee not to split the community apart. He said that there is talk in Woodsville of breaking away from the town of Haverhill if change is forced on them from Concord. He said that any transitional plan would need to come from both the Haverhill Selectmen and the Woodsville Commissioners. He said that there would not be success if decisions had to be litigated.
- Senator Reagan asked if there were actions being undertaken at the present time to change the present situation.
 - Rep. Ladd responded that there were. He said that an audit has commenced. He said that reports from that audit were being sent to DRA. He said that there were no red flags to date in the audit. He again said that there was no criminal activity but the books had just been kept the way that the forefathers of Woodsville had kept them. Rep. Ladd said that the change could not be made while the community was operating remotely due to the COVID-19 pandemic.
- Rep. Ladd asked the Committee to retain SB 26 until after the town’s March meeting.

Kevin Shelton

Administrator, Woodsville Fire District

- Mr. Shelton began as Administrator of the Woodsville Fire District in March of 2020. His duties include overseeing all operations of the District. He has lived in Woodsville for over 40 years.
- He said that the formula in place returns Woodsville tax dollars to Woodsville to fund their own highway department.
- Mr. Shelton said that his position was long overdue in the District. He said that the process was “sloppy” and that there was a lack of control. He said that he was cooperated with audits and that there is a schedule to complete the ongoing audit by March. Mr. Shelton asked the Committee to retain SB 26 until after the audit was completed.
- He asked the Committee to allow the decision to be made at the local level. He did not want the General Court to eliminate a process that had been in place for 30 years and was working. He said that there had only been discussions around merging in the last year and a half.
- In the 1990s, more roads were added to the District because the town couldn’t maintain them well enough. Mr. Shelton said that the roads in Woodsville were maintained well.
- Mr. Shelton said that if there is a consolidation plan that makes financial sense and is well planned, he would support consolidation. He said that that plan has not been done as of yet.

Glenn English

Former Haverhill Town Manager

- Mr. English was the Town Manager of the town of Haverhill from 1994 to 2016 and returned for a brief interim period before Ms. Codling was hired.
- He said that the complicated political system is not unique in NH or VT. He said that the General Court created village districts in order to be local and specific. Local government was created as a way to provide services to residents. He said that many towns have water and light districts, and some have electric departments. He said Conway has precincts like Haverhill.
- Mr. English said that the nature of the roads is the reason for the two highway departments. He said that Woodsville is more urbanized, as it was built up by the railroad companies when they needed to cross the Connecticut River. He said that the roads in Woodsville are more complicated in that they are paved and have sidewalks, curbs, and drainage. He said that it is more expensive to maintain those types of roads per mile than the types of roads in the rest of Haverhill.
- Mr. English contested the cost per mile information provided by Ms. Codling.
- Mr. English said that there would be consequences to passing SB 26 that will be to the detriment of all Haverhill residents. He said that there has been no plan from the town as to how assets will be handled.

Michael Graham

Former Haverhill Selectman

- Mr. Graham is a longtime resident of Woodsville and was a member of the Selectboard in 1996 when a MOU between the town and Woodsville was signed, setting the basis for the funding mechanism.

- He said that the intent of the 1996 MOU was to provide clarity. He said that there have been several more MOUs since 1996 and all, except the current MOU, were endorsed by both the town and Woodsville. Mr. Graham said that SB 26 would enact a unilateral change with little public input.
- Mr. Graham said that any bill passed by the General Court should have the support of both the Selectmen and the Commissioners.
- Mr. Graham urged the Committee to vote inexpedient to legislate and return the issue to the local decision makers.
- Senator Carson asked if Mr. Graham could provide copies of the various MOUs to the Committee.
 - Mr. Graham said he no longer had access to the MOUs.

Neutral Information Presented:

James Gerry

Director, Municipal and Property Division, DRA

- Mr. Gerry stated that DRA had no position on the bill but that he was available to answer questions.
- Senator Reagan asked if DRA was part of the audit process in Woodsville.
 - Mr. Gerry said that DRA was not part of the audit process but that they were receiving monthly updates from the auditing firm. He said that the audit started in October of 2020.
- Senator Reagan asked if the audit was completed.
 - Mr. Gerry said that the audit was not completed.
- Senator Prentiss asked if she had heard Mr. Gerry correctly that the audit had started in October of 2020 and that DRA had received one monthly report since then.
 - Mr. Gerry responded that that was correct.
- Senator Prentiss asked if there was schedule of reports. She also asked when the audit was expected to be completed.
 - Mr. Gerry responded that DRA was receiving reports on a monthly basis. He said he believes the estimated date of completion of the audit will be sometime in the Spring – likely March or April.
- Senator Carson asked Mr. Gerry to explain his experience.
 - Mr. Gerry holds a B.A. from Syracuse University and a Master of Public Administration, also from Syracuse University. He said that he spent 30 years as a public finance analyst and is currently the Director of the Municipal and Property Division at DRA.
- Senator Carson asked when Mr. Gerry first heard of issues regarding Woodsville.
 - Mr. Gerry responded that the Woodsville issues have been around for some time. He joined DRA in April of 2019. He estimated he first heard about Woodsville a few months later. He said that one staff member asked him his position on a district comingling funds. Mr. Gerry jokingly replied that it was like asking his position on drinking iodine – you don't do it. He said that the last audit of Woodsville was in 2015 but it was a failed audit because the District completely lacked internal controls. He said that the ambulance controls were not audited in 2015 because there was a disagreement over Health Insurance Portability and Accountability Act (HIPAA) regulations.
- Senator Carson asked if Mr. Gerry had concerns over the operations of Woodsville.
 - Mr. Gerry said that his first concern is over the violation of RSA 41:31-c, which

requires political subdivisions with more than 750 residents be audited by a certified public accountant every year. Mr. Gerry said that Woodsville had a locally elected auditor who never did an audit despite being elected every year to do an audit. He said that at one time the locally elected auditor was an employee of the District and on the District's payroll.

- Senator Carson asked Mr. Gerry for comments on the ongoing audit.
 - Mr. Gerry said that he cannot comment on the ongoing audit because he had not been authorized by the auditing firm to speak about the audit.
- Senator Carson asked if the audit should be completed by the Spring.
 - Mr. Gerry responded that that was his understanding of the current process.
- Senator Carson asked if there was a schedule for the presentation of the audit.
 - Mr. Gerry responded that he was waiting to hear back but, as far as he knew, there was no schedule to present the audit.

cml

Date Hearing Report completed: January 14, 2021

Speakers

Name	Title	Representing	Position	Testifying
Giuda Bob	An Elected Official	Myself	Support	Yes
Shelton Kevin	A Member of the Public	Myself	Oppose	Yes
Clogston Darwin	An Elected Official	Town of Haverhill	Support	Yes
Ladd Rick	An Elected Official	Representative Grafton 4 Haverhill	Oppose	Yes
English Glenn	A Member of the Public	Myself	Oppose	Yes
Graham Michael	A Member of the Public	Myself	Oppose	Yes
Codling Brigitte	A Member of the Public	The Town of Haverhill as Town Manager	Support	Yes
Clegg Robert	A Lobbyist	Town of Haverhill	Support	Yes
Gerry James	State Agency Staff	NH Department of Revenue Administration	Neutral	Yes
Birdsell Senator Regina	An Elected Official	Senate District 19	Support	No
Watters David	An Elected Official	Myself (SD 4)	Support	No

Testimony



**New Hampshire State Senate
107 North Main Street
Concord, NH 03301**

January 13, 2021

Senator Sharon Carson, Chair
Senate Executive Departments & Administration Committee
New Hampshire State House
107 North Main Street
Concord, NH 03301

Re: Senate Bill 26

Dear Senator Carson and members of the committee:

I'm State Senator Bob Giuda, Prime Sponsor of SB 26, currently serving my 3rd term representing District 2, which includes the Town of Haverhill and the Woodsville Fire Precinct. I'm introducing this legislation to end the interference of the State Legislature in the appropriation of local tax revenues for local highway maintenance, in accordance with the expressed will of the significant majority of voters in the Town of Haverhill and its Board of Selectmen.

SB26 has two sections. Section 1 seeks to end the state's interference in local highway appropriations. Section 2 was requested by the Department of Revenue Administration to address the Woodsville Fire Precinct's long-standing refusal to comply with state laws governing its financial affairs.

Regarding Section 1 of the bill, as Chairman of the Senate Ways and Means, I am a long-time student of tax policy. Under our system of local taxation, a community's residents pay property taxes to support local needs, raised in accordance with locally developed Warrant Articles. The appropriation of funds is directed by these Articles, and not by a state law. However, the appropriation of Haverhill tax revenues to the Woodsville Fire Precinct is currently directed by a formula in state law, and any change to that formula requires the approval of the State Legislature. This is the antithesis of "local control," and has resulted in grossly disproportionate state-mandated appropriations in a community that seeks a unified Highway Department and a single Highway budget. The state-mandated formula delivers five times the revenue per mile of roads to the Woodsville Fire Precinct as is spent per mile by the Town of Haverhill on its roads.

Section 2 of this legislation is presented at the request of the Department of Revenue Administration. The Woodsville Fire Precinct, despite numerous written, email and telephonic requests spanning a period of years, has never in its 127-year history performed an annual audit as required by state law. A "financial review" attempted in 2014 was incomplete because the Precinct could not provide adequate records substantiating its financial activities. The Fire Precinct operates not only Fire and Ambulance service, but also Highway, Sewer, and Electric and Light enterprises grossing millions of dollars every year. The Department requested Section 2 of this Bill to address the Precinct's non-compliance with state law and Generally Accepted Accounting Practices, and to develop an accurate assessment of its financial operations.

The Committee should be aware that several Precinct officials published false information in letters and newspaper articles and made false statements in their official capacity at public meetings and the precinct Annual Meeting. These falsehoods were egregious enough that the Department required a public retraction to be printed in a local paper, and provided additional correspondence which was published in local newspapers refuting the falsehoods. Several officials have subsequently resigned or not sought re-election.

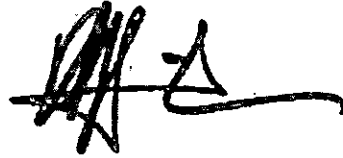
While no progress reports on the audit have been provided to the Fire Precinct by the accounting firm, interim reports have been provided to the Department. In attendance at this Zoom hearing is Mr. James Gerry, Director of the Municipal and Property Division of the Department of Revenue Administration. I would ask that the Committee invite Director Gerry to provide any

remarks and address any questions it may have on Section 2 of the bill and any of the actions required therein, to the extent permitted by department policy and accounting industry rules.

In closing, I ask the Committee to end the state's interference in the appropriation of Haverhill's local tax revenues, and to require that the Woodsville Fire Precinct operate in compliance with the laws governing the financial operations of every other political subdivision in the state.

This concludes my testimony. I'm happy to answer any questions.

Respectfully,

A handwritten signature in black ink, appearing to read 'Bob Giuda', with a long horizontal flourish extending to the right.

Bob Giuda
State Senator
NH District 2
Phone: (603) 271-3042
E-mail: bob.giuda@leg.state.nh.us

**Senate Executive Departments and Administration
Committee**

Cameron Lapine 271-3091

Amendment 1371s, relative to state and local government administration, to **HB 1234-FN-A**, relative to the heating of certain state-owned buildings in Concord and making an appropriation therefor.

Hearing Date: June 9, 2020

Time Opened:

Time Closed:

Members of the Committee Present: Senators Carson, Cavanaugh, Rosenwald, Chandley and Reagan

Members of the Committee Absent : None

Bill Analysis: This bill makes an appropriation to the department of administrative services for the purpose of replacing heating systems in state-owned buildings in Concord that formerly used Concord Steam. The bill also extends a prior appropriation to the state heating system savings account.

Sponsors:

Rep. Wallner

Sen. D'Allesandro

Who supports the bill: Senator Cindy Rosenwald (Senate District 13), Senator Bob Giuda (Senate District 2), Senator David Watters (Senate District 4), Rep. Mary Jane Wallner (Merrimack – District 10), Rep. Renny Cushing (Rockingham – District 21), Mayor Jim Donchess (Nashua), Senator Jay Kahn (Senate District 10), Senator Tom Sherman (Senate District 24), Rep. Dianne Schuett (Merrimack – District 20), Ari Pollack, Tereze Stokes, Heidi Kroll, Henry Veilleux, Jasen Stock, Jodi Grimbilas, Madeleine Mineau, Marissa Chase, Huck Montgomery, Beverly Cotton, Bob Wells, George Bald, Robert Cheney, Mary MacDonald, Cynthia Shea, Chryssa Alexis, Mike Somers, Melissa O'Brien, Brigitte Codling, Jennifer Boucher, Paul Sanderson, and Robert Clegg.

Who opposes the bill: Paul Kidder, Richard Guy, Brian Moran, Stacy Ober, Ken Moller, Kate Frey, Fmr. Rep James Phinizey, and Stephen Robbins.

Who is neutral on the bill: Tristin Craigie, Annika Stanley-Smith, Sheridan Brown, Christian Citarella, Aiden Moore, Chiara Dolcino, Pamela Monroe, and Colleen Smith.

Summary of testimony presented in support:

Senator Cindy Rosenwald

Senate District 13

- Senator Rosenwald offered Amendment 2020-1407s as a replacement to Amendment 2020-1371s. Both amendments add a number of bills to the list of underlying bills.
- Amendment 1407s ensures the efficient functioning of state government. All bills incorporated have at least been heard, except for provisions relative to voting for retail locations of sports betting in Section 50. Mayor Jim Donchess will speak to this.
- Amendment 1407s corrects language relating to the animal records database, charter commissions, what was formerly SB 498, OHRVs and snowmobiles, and definitions for the rooms and meals tax.

Mayor Jim Donchess

City of Nashua

- Section 50 of Amendment 1407s will authorize cities to put the question of retail locations for sports betting on the ballot more than once.
- There are a few locations in Nashua where there are charitable gaming sites which contribute millions to nonprofits and charitable organizations. There has been a loss of this revenue during the COVID-19 pandemic.
- Allowing charitable gaming sites to host sports betting would make it for possible to go in and support the nonprofits and make up some of the losses due to COVID-19.
- Retail sports betting locations were put on the ballot in Nashua but the question was not widely understood and only failed by 50 or 100 votes out of 10,000 ballots cast.

Senator Tom Sherman

Senate District 24

- Senator Sherman spoke about Section 57 of Amendment 1407s, relating to the Pease Development Authority (PDA).
- Last year, half a representative from the Town of Greenland was added to the PDA. The language was not corrected in all of the applicable statutes, which has created problems due to the numbers for a quorum being wrong.
- Section 57 is a technical correction.

Representative Sherman Packard

- Section 104 of Amendment 1407s was formerly HB 274-FN. It is an effort to bring everyone into compliance with the rooms and meals tax.
- There is a new way to rent cars that hasn't been paying the rooms and meals tax as would be required for a normal car rental.
- HB 274-FN was unanimously recommended out of House Ways and Means and nearly unanimously passed on the House floor.
- Section 104 adds internet car rental companies to the definition for payment of the rooms and meals tax. Language was added to include AirBNB-type businesses. The language has been worked out with the Department of Revenue Administration (DRA) so that they can do their jobs.

Henry Veilleux

Waste Management

- Waste Management (WM) operates a landfill in Rochester.
- Mr. Veilleux spoke with respect to Sections 45 and 86 of Amendment 1407s.

- The solid waste provisions of Amendment 1407s came out of a study that Senator David Watters and Representative Karen Ebel worked on.
- Section 86 was formerly HB 591, which passed the Senate on a voice vote in March. It specifically addresses the solid waste reduction goal of the state. The current goal has never been met and is far from being met. The formula is determined by including waste that cannot be recycled. The proposed new formula will only take into account what can be recycled.
- Section 45 was formerly HB 1702, which passed the House in March. It creates a solid waste working group. Mr. Veilleux supports Section 45.

Paul Sanderson

Legal Coordinator, NH Fish and Game

- Section 91 of Amendment 1407s was formerly HB 496 and makes a technical correction to the registration of antique snowmobiles.
- Sections 112-116 of Amendment 1407s was drafted following a meeting of the Joint Legislative Committee on Administrative Rules (JLCAR) to deal with OHRV registration. JLCAR raised two questions.
- First, does Fish and Game have the authority to charge an internet transaction fee?
- Secondly, does Fish and Game have the authority to register OHRVs to businesses? There are some businesses that have a legitimate need to register an OHRV to the business.

Robert Wells

- Mr. Wells spoke concerning probate courts.
- RSA 553:32 deals with waiver of administration for probate courts. He has been working with Judge David King to expand the waiver to more situations of simplified probate requirements to reduce the workload of the probate courts.
- Changes included in Amendment 1407s will allow a probate judge to determine when a waiver of probate is appropriate.
- Another issue is the uniform disclaimer act. Mr. Wells had sent a proposed amendment to Senator Dan Feltes and others to work with DHHS to continue filing claims.
- Another issue is the durable powers of attorney act.
- Senator Rosenwald stated that the uniform disclosure of property interest act amendment was included in Amendment 1407s.
 - Mr. Wells responded that he did not think it had been included.
 - Senator Rosenwald responded that it is on page 43 of Amendment 1407s.

Marissa Chase

NH Association for Justice

- The NH Association for Justice supports what was formerly SB 444 to bring NH alimony statute in line with federal tax changes to alimony. Making this change could save attorney fees by not having to undo prior agreements.

Mike Somers

NH Lodging and Restaurant Association

- Mr. Somers supports the former SB 512.

- During the COVID-19 pandemic, it was not a huge help but it was a help. Mr. Somers believes it should be made permanent. Not a lot of restaurants can take advantage of it so it does limit the scope of impact.
- Language has been worked on with liquor enforcement and controls are in place to ensure they are effective.
- Delivery by 3rd parties is not allowed under former SB 512.

Former Senator Robert Clegg

- In 2009, legislation was put in place that made highway fund distribution more unfair.
- There are 78 miles of road in Haverhill. There are 8 miles of road in Woodsville.
- The General Court created an unfair situation in local politics. Everyone who signed the original agreement stood to benefit because they lived in Woodsville and not the Town of Haverhill.
- Haverhill has had a meeting and agreed to work as one. Road money has to be used for appropriate purposes.
- The Commissioners in Woodsville use highway money to operate and repair The Water Company, a private company. This is an illegal use of highway funds.
- The rest of Haverhill deserves to be treated equally and the General Court should never have been involved.
- It is important that the language relating to audits remains in the amendment. Woodsville only agreed to an audit after DRA had the audit language included. DRA has been trying to figure out what is happening in Woodsville but cannot get the information they need. Even Right-to-Know requests have been unfruitful.

Brigitte Codling

Town Manager, Town of Haverhill

- SB 414 passed the Senate unanimously in February. There was a large hearing in Senate Transportation, where there was big support from Haverhill and opposition from the Woodsville Fire District Commissioners.
- The Town has discussed the issue for months and had an open meeting on March 8 where hundreds attended. The Town of Haverhill passed the merger on a warrant article.
- The Town of Haverhill has the skills and knowledge to take on the additional 8 miles of roads in Woodsville.
- The Town already cares of Woodsville's gravel roads.

Senator Bob Giuda

Senate District 2

- Senator Giuda represents both Haverhill and the Woodsville Fire District. The statute creates the interference of the state in the internal financial matters of Haverhill. This is the only situation like it in the state and gives Woodsville immunity under the law from negotiations.
- The last financial review of Woodsville was over 100 years ago and raised red flags. DRA has found significant financial lapses.
- Woodsville is operating in violation of state law and the Commissioners have ignored required audits.
- Current statute gives away local control by giving the state power over highway funds.
- DRA needs the tools to make Woodsville comply.

- Senator Watters, the Chair of Senate Transportation, DRA, and the Town of Haverhill all support the merger of the highways.
- The lack of audits and comingling of funds makes the Woodsville Fire District one of the most egregious examples of non-complying finances.

Summary of testimony presented in opposition:

Brian Moran

New England Convivence Stores and Energy Marketers (NECSEM)

- Mr. Moran has concerns over selling alcoholic beverages with take out food orders, found in Section 53, page 19 of Amendment 1407s.
- The last few weeks and months have been difficult for businesses with restrictive guidelines and reduced traffic.
- The challenges of restaurants are well documented. NECSEM did not object to the sale of alcoholic beverages with take out food orders during the state of emergency but does oppose making it permanent as it would give restaurants an ongoing advantage over convenience stores, which rely on the revenue from beer and wine sales.
- There is no need to expand the current licensing category for off premise consumption. It would basically create a new licensing group.
- The volumes presented are not consistent with the on premise consumption licenses and lacks necessity.

Stacy Ober

American Kennel Club (AKC)

- AKC has concerns over Section 31 of Amendment 1407s, on page 8.
- HB 1627 is on the House Consent Calendar but has not been sent over to the Senate.
- Section 31 would create Phase 2 of changes created last session about health certification upon the transfer of an animal. Ms. Ober is glad to see it reinstated. Her concern is that when the health certification language was reinstated, the total number of dogs to be transferred was decreased to 25 before becoming a pet vendor. This change has made it impossible for hobby breeders.
- RSA 437:1 states that the pet vendor license requires someone to submit proof that their local zoning official has certified compliance of a vendor with local zoning laws.
- There are breeders for 15 years who have bred and had to ask their town for a special certificate for compliance and have had to retain legal counsel to force the town to issue one.
- HB 1630 and HB 371 would fix the pet vendor definition and allow individual breeders to meet the requirements by grandfathering them in. Ms. Ober has worked with the Department of Agriculture, Markets, and Food (DAMF).
- AKC's objection would be withdrawn by adding HB 1630 to Amendment 1407s.

Ken Moller

NH Association of Realtors

- Mr. Moller is opposed to Section 78 of Amendment 1407s, on page 51.
- Section 78 will allow towns to place liens on a property without a court order. This is denying due process and judicial approval.
- The denial of due process before placing a lien raises constitutional problems.

- There have been numerous situations where a town has provided a cease and desist order in error. The courts then decide who is right. Section 78 changes the burden of proof.
- RSA 511 allows for a detailed pre-judgement attachment procedure.
- Mr. Moller wanted to bring certain matters to the House hearing on what was formerly SB 460 and make changes. He wants to remove that section from Amendment 1407s and work for a new bill in 2021.

Kate Frey

New Futures

- Former SB 512 is located on pages 19 and 20 of Amendment 1407s. New Futures opposed SB 512 when it appeared before the Senate Commerce Committee.
- While former SB 512 does not specifically allow app-based delivery of take out food orders and alcohol, it is a significant shift with respect to regulations in NH.
- With the Governor's Executive Order allowing take out of beer and wine with food orders, former SB 512 is irrelevant and duplicative.
- Former SB 512 is a huge shift in the alcohol policy arena. There should be an evaluation if this policy should be made permanent. New Futures is concerned about the lack of training on safe serving via delivery drivers.

Former Representative James Phinizey

- Former Representative Phinizey was on the House Farm and Agriculture Committee for 10 years, including a spell as Chair.
- Fmr. Rep. Phinizey does not object to the animal records database. He does object to removing the provisions for rabies. Currently, NH allows town clerks to keep track of dogs, cats, and ferrets by sending them rabies certificates. If that changes, a host of problems could emerge.
- There may be a loss of personal identification and a loss of privacy for people who only own one dog or cat.
- Section 31 of Amendment 1407s, on page 8, deals with the animal records database. Fmr. Rep. Phinizey intends to submit written testimony with proposed changes.
- Fmr. Rep. Phinizey would like to see Line 17 of page 8 changed to remove everything after "required" on the line.
- On Page 9, lines 19-24, Fmr. Rep. Phinizey would like to see Section V deleted all together, as it only allows those who are listed to have access to the records. Current RSA allows anyone to access them without a breach of privacy.
- Fmr. Rep. Phinizey would like Sections 34 and 35 of Amendment 1407s deleted all together. This would take rabies out of the database and keep it under local control.

Stephen Robbins

- Mr. Robbins opposes Section 51 of Amendment 1407s, on page 17. The provisions are not something that has been voted on by the people it effects. It will reverse the premise of highway maintenance in the Woodsville Fire District which has been in place since the 1800s.
- There has been a continual improvement plan in place in the Woodsville Fire District. Mr. Robbins does not believe that if the changes are made that the level of care to the roads of Woodsville Fire District will be continued.
- Section 51 is about dividing a community. Mr. Robbins would like to see the community work it out and work towards healing.

Richard Guy

Woodsville Fire District Commissioner

- Mr. Guy has been a Woodsville Fire District Commissioner for more than 30 years.
- Mr. Guy would like Section 51 of Amendment 1407s removed, feeling that it is a takeover of the village highway department which is fully funded by the Woodsville Fire District taxpayers.
- There have been no public meetings or committees on this issue and no public input has been received. The town asked to put secession from Haverhill on the ballot but the Commissioners do not agree at this time.
- A full audit of the Woodsville Fire District is underway.
- Senator Chandley pointed out the relocation of certain sections between the original Amendment 1371s and the current Amendment 1407s.
 - Mr. Guy stated that his concern is what was originally SB 414, related to Haverhill and the Woodsville Fire District.

Neutral Information Presented:

Colleen Smith

Food Protection Section, Department of Health and Human Services

- Ms. Smith spoke with respect to what was formerly HB 1592-FN, relative to milk pasteurization.
- DHHS proposed changes to Lines 32 and 35 of page 57 of Amendment 1407s. It was their intent to only add ice cream and frozen milk and not to include other raw milk products or frozen desserts.

Sheridan Brown

Grantham, NH

- Mr. Brown is an attorney and represents a small non-commercial kennel. They sell their dogs to support their hobby.
- When the pet vendor limit dropped from 50 to 25 dogs, one of the requirements is to get a certificate of conformity with zoning. The kennel was denied that certificate by the Board of Selectmen. The Board issued no finding of facts and sent the kennel to the ZBA for an appeal. The kennel did not get a rehearing and now has to go to court.
- The town has undermined their due process rights.
- Mr. Brown suggests adding the language of HB 371 to Amendment 1407s in order to increase the number of animals needed to be a pet vendor.

cml

Date Hearing Report completed: June 10, 2020

Highway Budget Comparison

	2016 (actual)	2017 (actual)	2018 (actual)	2019 (budget)
Woodsville Highway Budget	\$347,393.82	\$417,165.74	\$440,732.60	\$422,950.00
8.36 miles of Class V Roads - Cost per Mile	\$41,554.28	\$49,900.21	\$52,719.21	\$50,592.11
Haverhill Highway Budget	\$768,846.00	\$852,456.00	\$777,061.00	\$699,511.00
72.56 miles of Class V Roads - Cost per Mile	\$10,596.00	\$11,748.29	\$10,709.22	\$9,640.45
Haverhill Highway Budget	\$768,846.00	\$852,456.00	\$777,061.00	\$699,511.00
Woodsville Highway Funding from Town	\$434,783.00	\$306,772.00	\$429,203.00	\$282,531.00
Total	\$1,203,629.00	\$1,159,228.00	\$1,206,264.00	\$982,042.00
		HIPPA law required Insurance be removed	TM agreed to put it back into the calculation	
Combined Scenerio using a rate of \$12,000 / mile for all Class V Roads in Haverhill (80.92 miles)	\$971,040.00	\$971,040.00	\$971,040.00	\$971,040.00
Potential Cost Savings	\$232,589.00	\$188,188.00	\$235,224.00	\$11,002.00

Highway Department Comparison	
Haverhill	Woodsville
<i>Highway Related</i>	
72 +/- Class V Roads	8 +/- Class V Roads
25.99 miles are paved	7.65 miles are paved
46.48 miles are gravel	0.66 miles are gravel
72 +/- roadway to clear snow from	8 +/- roadway to clear snow from
25.99 miles of pavement to maintain	7.65 miles of pavement to maintain
46.48 miles of gravel to grade and maintain	0.00 miles of gravel to grade and maintain
0.66 miles of Woodsville gravel to grade and maintain	n/a
46.48 miles of ditching, embankment, and shoulders to maintain	n/a
Installation and maintenance of cross culverts for proper water flow to ditching	n/a
Driveway permits and assignment of E911 addresses	n/a
Driveway culvert oversight & monitoring for effective water flow	n/a
72 +/- miles of roadside mowing	n/a
Removal of hazard trees and other obstructions	n/a
Installation and Maintenance of road signs	Installation and Maintenance of road signs
Street and gravel road apron sweeping	Street sweeping
n/a	Line striping for parking
Drop inlets and catch basins for roadway run off	Drop inlets and catch basins for roadway run off
<i>Not Highway Related</i>	
Sidewalks maintained by precinct	Sidewalks maintained by precinct
Water systems (three of them) maintained by precincts	Water system maintained by precinct & Woodsville Water and Light
Fire Hydrants tied to water systems maintained by the Fire Depts	Fire Hydrants tied to water systems maintained by the Fire Dept
Sewer lines maintained by Town	Sewer lines maintained by precinct & Woodsville Water and Light
Sewer pump station maintained by Town	Sewer system maintained by consultant overseen by the precinct
	Grading & Reseeding Ball Fields
	Street Lights maintained by Woodsville Water & Light

To: Senator Sharon Carson Chair Sharon.Carson@leg.state.nh.us
Senator John Reagan Vice Chair john.reagan111@gmail.com
Senator Denise Ricciardi Denise.Ricciardi@leg.state.nh.us
Senator Kevin Cavanaugh kevin.cavanaugh@leg.state.nh.us
Senator Suzanne Prentiss Suzanne.Prentiss@leg.state.nh.us

Members of the Senate Executive Departments and Administration committee, my name is Darwin Clogston and I am the Chairman of the Select Board in the Town of Haverhill, NH.

I would like to first thank you for listening to the testimony on SB 26, this is an important piece of legislation for our community and we fully support it.

Part One

This bill addresses two (2) specific issues, the first being the laws created over the years - with the most recent being in 2009 — that has the State Legislature, deciding how the taxpayers of the Town of Haverhill will spend their money. The most egregious part of the law passed in 2009, does not take into consideration the needs of all residents, instead it simply grants to one (1) of the four (4) precincts a share of the taxes billed, whether paid or not.

Haverhill is comprised four (4) precincts: North Haverhill, Haverhill Corner, Mountain Lakes and Woodsville Fire Precinct, with the majority of Town not in a precinct. In the late 1800's a political battle to host the railroads gave the Woodsville Fire Precinct the upper hand, having beat Haverhill Corner. This created a shift from Haverhill Corner, the place with the taverns and the hotels or boarding houses supplying the Circuit Courts being "number one," to Woodsville, which then became the "top dog" holding all financial advantages that came with having the railroad hubs in their precinct.

Subsequently, Woodsville had state legislation passed in the late 1800's giving them a guaranteed, and larger portion, of the entire Town of Haverhill tax money. This of course happened during a time in NH when the railroads ran everything - stories are still told of the political battles to take the legislature back from the hold the railroads had on the lawmakers. It took many years and resulted in a promise by NH citizens to never again allow the State House to be so beholden to any one industry or profession.

It was only a year or so after the legislature passed the law granting Woodsville the road money before the road money ended up in the NH Supreme Court. Woodsville wanted more and Haverhill stated it didn't deserve more. In 1893 the NH Supreme Court ruled that the roads, were the legal responsibility of the Town of Haverhill, most notably the liability, and the Town of Haverhill should maintain any road it held the legal

responsibility for. The Supreme Court denied Woodsville's insistence it receive the money.

Fast forward to legislation in the 1920's and you will find legislation guaranteeing Woodsville *up to* 20% of the road money that came to Haverhill. For years the taxpayers believed the money in the law was the money the state and then the federal government sent to communities. Common sense they say, lead people to believe it was not the money collected from individual property owners or residents, since local property owners and residents had the right to decide which roads would be repaired or rebuilt each year and which would not. Maintenance was a concern for every road and no road should be left to deteriorate.- The town soon learned by granting a disproportionate amount of money to Woodsville for a miniscule portion of all the roads the tax money was raised to support, the legislature had instituted an unjust taking of money from the the taxpayers.

In 2009 a new formula was again submitted through the legislature and again the legislature awarded Woodsville a bigger piece of all road money - not just state and federal money - but money raised and belonging to the taxpayers of the Town of Haverhill. The Woodsville commissioners stated that the law was inclusive of all money billed to the taxpayer for road use, plus the state and federal grants and 20- 25% of the purchase price of any equipment the Town of Haverhill purchased for use in road maintenance. An example of that is \$100,000 for a road grader would cost the taxpayers \$125,000 so a check for \$25,000 could be cut and sent to the Woodsville precinct. So as to not confuse anyone, all Woodsville residents pay taxes to the town, at the same tax rate everyone else in the Town of Haverhill. The difference is no one other than Woodsville Fire Precinct has a legislative mandate that forces all the taxpayers in the rest of the town to give Woodsville cash back and a piece of the state and federal road money that would otherwise benefit all not just Woodsville. Woodsville readily admits it doesn't use the money intended for roads on roads and asserts once the money goes into the Town of Haverhill bank and a check is written to Woodsville the road restrictions are no longer attached to the money. Woodsville asserts it can use the money any where they wish including their " Private Enterprises"

The formula in the 2009 was not specific enough for the selectmen at the time and Rep. Ladd helped to craft a memorandum of understanding (MOU) creating a formula for the new subsidization of Woodsville. You heard during testimony how the select board was unanimous in accepting the MOU, and you heard the commissioners in Woodsville also were unanimous. What needs to be made clear is the Woodsville commissioners profited more than any non-Woodsville citizen of Haverhill, and the select board had 5 members; 4 of which were residents of Woodsville, meaning all involved in the memorandum of understanding (MOU) personally profited or benefitted more than any other citizen who did not reside in the Woodsville precinct. As legislators I am sure you understand the ethics or such a situation.

The current request by Rep. Ladd to wait for the audit to let people work it out belies the statement he made on Veto Day in 2020. Rep. Ladd stated the governor's veto of HB1234 , which included this content of SB26, needed to be upheld; "Concord has no place telling the people of Haverhill how to spend their money," it should be up to the community not Concord.

We agree. Requesting tabling of the bill so the Town of Haverhill can sit with Woodsville to end the current situation is not a reasonable request nor will it result in anything more than it has over the years. Woodsville demands to keep the subsidy. Previous attempts to sit and negotiate have resulted in Woodsville stating "the law is the law; we have to comply with the state law" and they see no need to change anything.

Part Two

Woodsville has "Enterprises" privately owned, not subject to any regulations by the Town of Haverhill. That being said, the taxpayer dollars, the state and federal road dollars the state law mandates be given to Woodsville should not be used for anything privately owned, yet it is. Woodsville commissioners have continuously smiled and stated the road money is used to work on the private for-profit sewer system, and the private for-profit water system, we do not have any statement on the private for profit owned electric company or the private for-profit ambulance services benefiting from the use of the road tax money, but the audits will answer the question. These "Private Enterprises" are what the DRA is looking at. The audits they require are audits DRA has requested for many years but they are not about the law forcing taxpayers to give designated road money to Woodsville for their roads. DRA is looking to find where the money is, and who receives the financial benefits from these private enterprises. We, the Town of Haverhill, are looking to make all citizens of the Town of Haverhill equal. No resident should profit unfairly from the Legislatures mandated subsidization of another. However, the audit section of this bill is DRA requested language granting them the ability to fine those who refuse to comply with the laws. We agree the taxpayers are served well when there are incentives for those who control the money to be held accountable to good practices.

Conclusion

Every Precinct has the ability to create whatever services or enterprises it wants so long as the want is paid for by a precinct tax, and is in accordance with state law. A water company, electric company, ambulance service, or fire department; if they want it they can have it and pay for it. Haverhill has a road department. It services 72 miles of roads which all residents of Haverhill use including Woodsville. Woodsville has a 2-man road department which services 8 miles of road. Woodsville receives from the taxpayers \$51,000 per mile leaving the remainder Haverhill's roads \$9,700 per mile. It is unfair and unjust especially since the tax money for roads sent to Woodsville are admittedly used to create larger profits for the private owners of the enterprises.

I hope we have separated the two (2) issues in the bill sufficiently for you to see DRA needs the section of the bill concerning audits. If the legislature does not pass this section it leaves DRA without the needed incentives to force a continuation of the current audits Woodsville enterprises.

The most important section of the bill for the Town of Haverhill is the section that stops Woodsville from taking money from the rest of the taxpayers. It's time for equal treatment of all people of the Town of Haverhill. Please remove the mandate the legislature created which interferes in Haverhill's right to govern itself. Please allow Haverhill taxpayers the ability to control their own destiny.

Thank you for listening. If you have questions please let us know. This is a very important issue to taxpayers struggling to meet the cost of a pandemic and the cost of operating a town.

Darwin Clogston

dcclogston@haverhill-nh.com

A handwritten signature in black ink, appearing to read "Darwin Clogston". The signature is written in a cursive style with a large initial "D" and "C".

SB 26: Testimony from Rep Ladd, Haverhill, / Former Selectboard Chair and Commissioner

1. **Brief History:** This bill was introduced in the prior session as SB414. Later amended into HB1234, vetoed by the Governor, and with the Governor's veto sustained in the House. SB414 was initially designed to adjust the formula allocating Woodsville Fire District's proportionate share of the net operating budget for the Town Highway Department and for the state highway block grant funds. This formula was last modified by the legislature in 2008. SB26 reflects an amended version of SB414 that contains a provision to eliminate the Fire District's statutory authority for a highway department.
2. **The 2020 Town of Haverhill Warrant contained Article 24, Highway Department Merger.** "To see if the town will vote to accept from the Woodsville Fire District ownership of its highways, to include its storm drains not connected to the sewer system, as well as any highway assets purchased with money distributed to them through general taxation by the Town. This would not include its sewer system, storm drains connected to the sewer system, or its buildings. Furthermore, to agree to fully accept the obligation to operate and maintain said highways. **This article is subject to an affirmation vote from the Woodsville Fire District to transfer said ownership and assets to the Town and to approval from the New Hampshire General Court.** (Majority Vote Required). NOTE: The annual Woodsville Fire District Meeting held following the town vote, rejected the transfer unanimously, 52-0.
3. **Why was Article 24 rejected?**
 - The town did not present a plan to the Fire District defining how this transition would take place.
 - The town had not presented a report/budget showing fiscal impacts; costs to tax payers – if any; affects on Woodsville Hwy Department personnel – wages, benefits, retirement; capital equipment and facility needs; impact to road services elsewhere within the community; or assessed Woodsville residents' support.
 - The process was rushed, unplanned, and lacked constructive discussion between commissioners, selectboard members and citizens.
4. **SB26:** a. eliminates the Woodsville Highway Department, b. all Highway Block Funding to Woodsville from the Town of Haverhill stops (no highway department), c. the proportion of Town tax revenue raised for the Highway Department that flows to Woodsville stops, d. a forensic audit is required.
5. **Results:**
 - A very contentious issue throughout Haverhill
 - Open old precinct and district attitudes toward each other
 - Haverhill has: 3 fire departments, 2 highway departments, 1 selectboard, 4 district commissions, 2 districts with zoning, 4 water departments
 - Communication between local government entities have broken down
 - Litigation: Woodsville alone has spent close to \$100,000
 - If this occurs, Woodsville and Haverhill may separate resulting in: Haverhill will not receive meals and room revenue (all in Woodsville), commercial strength (property assessment in Woodsville), and overall, increased taxation for residential districts.
 - Forensic Audit:
 - Currently underway (expected to be done for March Meeting)
 - Weekly reporting to DRA
 - No fraudulent or red flag issues supporting criminal activity have been found.
 - Findings to date:
 - Need to clean up sloppy management procedures and establish controls
 - Establish an organizational structure: Water and Light Board, Fire District
 - Recommendation: Move slowly on this bill, Retain pending Annual Meetings

**Bill as
Introduced**

SB 75 - AS INTRODUCED

2009 SESSION

09-0159
06/03

SENATE BILL

75

AN ACT

changing the formula for distribution of highway funds in the Woodsville fire district.

SPONSORS:

Sen. Reynolds, Dist 2; Rep. Ladd, Graf 5; Rep. Ingbretson, Graf 5

COMMITTEE:

Public and Municipal Affairs

ANALYSIS

This bill provides a formula for determining the amount attributable to the town of Haverhill for appropriation to the highway funds in the Woodsville fire district.

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 changing the formula for distribution of highway funds in the Woodsville fire district.

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

1 1 Distribution of Highway Funds in Woodsville Fire District. Amend 1887, 204:3, as amended
2 by 1899, 196:2 and 1990, 37:1, to read as follows:

3 SECT. 3. Said district at each annual meeting shall elect by ballot a moderator, a clerk, one
4 auditor, a treasurer, and three commissioners. All of said officers shall be elected by a majority vote
5 of all the voters present and voting at the annual meeting. Said officers shall exercise in relation to
6 district meetings the like powers to those of moderator, clerk, and selectmen of towns. The
7 commissioners shall have within the district all the powers of the mayor and aldermen of any city
8 respecting highways, sidewalks, and sewers. They shall control and direct the expenditure of all
9 moneys raised under authority of the district and by the town of Haverhill for expenditure in the
10 district. They shall have sole authority to appoint a highway surveyor in said district, and in default
11 of such appointment shall themselves perform the duties of that office. The surveyor or
12 commissioners performing the duties of highway surveyor in the district shall give bond to the town
13 to account for all money coming into their hands, and for the proper care and custody of the property
14 of the town or district which may come into their custody or control, and shall be deemed officers of
15 the town. Nothing in this act shall be construed to impose any distinct or special liability upon the
16 district respecting highways within its limits. Vacancies that may occur in the office of
17 commissioner in the district shall be filled by appointment of the remaining commissioners or
18 commissioner, but any commissioner appointed to fill a vacancy shall hold office only until the next
19 annual district meeting. Commissioners shall be residents of the district. The money appropriated
20 for the distribution of highway funds in the district which is attributable to the town of Haverhill
21 shall [~~not exceed 20 percent of the total amount of expenditures authorized at the town meeting~~] be
22 *determined by a fraction, the numerator of which shall be the assessed valuation of the*
23 *properties in the district, and the denominator of which shall be the assessed valuation of*
24 *the properties in the entire town of Haverhill as determined annually from the town MS-1*
25 *form. The town of Haverhill shall appropriate the percentage represented by such fraction*
26 *for distribution to the highway fund in care of the Woodsville fire district commissioners.*
27 *The district shall also receive a proportionate share of the state highway block grant funds*
28 *received by the town in the previous year based on the population and road mileage of the*
29 *district compared to the population and road mileage of the entire town of Haverhill.*

30 2 Effective Date. This act shall take effect upon its passage.

SB 75 - FINAL VERSION

03Jun2009... 1659h

2009 SESSION

09-0159
06/03

SENATE BILL

75

AN ACT changing the formula for distribution of highway funds in the Woodsville fire district and ratifying the establishment of the West Ossipee fire precinct as a village district.

SPONSORS: Sen. Reynolds, Dist 2; Rep. Ladd, Graf 5; Rep. Ingbretson, Graf 5

COMMITTEE: Public and Municipal Affairs

AMENDED ANALYSIS

This bill:

I. Provides a formula for determining the amount attributable to the town of Haverhill for appropriation to the highway funds in the Woodsville fire district.

II. Ratifies the establishment of the West Ossipee fire precinct as a village district.

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.

SB 75 - FINAL VERSION

03Jun2009... 1659h

09-0159
06/03

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nine

AN ACT changing the formula for distribution of highway funds in the Woodsville fire district and ratifying the establishment of the West Ossipee fire precinct as a village district.

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

1 1 Distribution of Highway Funds in Woodsville Fire District. Amend 1887, 204:3, as amended
2 by 1899, 196:2 and 1990, 37:1, to read as follows:

3 SECT. 3. Said district at each annual meeting shall elect by ballot a moderator, a clerk, one
4 auditor, a treasurer, and three commissioners. All of said officers shall be elected by a majority vote
5 of all the voters present and voting at the annual meeting. Said officers shall exercise in relation to
6 district meetings the like powers to those of moderator, clerk, and selectmen of towns. The
7 commissioners shall have within the district all the powers of the mayor and aldermen of any city
8 respecting highways, sidewalks, and sewers. They shall control and direct the expenditure of all
9 moneys raised under authority of the district and by the town of Haverhill for expenditure in the
10 district. They shall have sole authority to appoint a highway surveyor in said district, and in default
11 of such appointment shall themselves perform the duties of that office. The surveyor or
12 commissioners performing the duties of highway surveyor in the district shall give bond to the town
13 to account for all money coming into their hands, and for the proper care and custody of the property
14 of the town or district which may come into their custody or control, and shall be deemed officers of
15 the town. Nothing in this act shall be construed to impose any distinct or special liability upon the
16 district respecting highways within its limits. Vacancies that may occur in the office of
17 commissioner in the district shall be filled by appointment of the remaining commissioners or
18 commissioner, but any commissioner appointed to fill a vacancy shall hold office only until the next
19 annual district meeting. Commissioners shall be residents of the district. The money appropriated
20 for the distribution of highway funds in the district which is attributable to the town of Haverhill
21 shall ~~[not exceed 20 percent of the total amount of expenditures authorized at the town meeting]~~ be
22 *determined by a fraction, the numerator of which shall be the assessed valuation of the*
23 *properties in the district, and the denominator of which shall be the assessed valuation of*
24 *the properties in the entire town of Haverhill as determined annually from the town MS-1*
25 *form. The town of Haverhill shall appropriate the percentage represented by such fraction*
26 *for distribution to the highway fund in care of the Woodsville fire district commissioners.*
27 *The district shall also receive a proportionate share of the state highway block grant funds*
28 *received by the town in the previous year based on the population and road mileage of the*
29 *district compared to the population and road mileage of the entire town of Haverhill.*

SB 75 - FINAL VERSION

- Page 2 -

1 2 Establishment of West Ossipee Fire Precinct as Village District; Bond Warrant Article
2 Approved. The status of the West Ossipee fire precinct as a village district and a body corporate and
3 politic under RSA 52 is hereby legalized, ratified, and confirmed, regardless of the fact that the
4 precinct may not have followed the procedures required by RSA 52, and as such, the bond warrant
5 article passed at the January 10, 2009 annual meeting of the precinct which authorized the purchase
6 and construction of a new fire station on Jewell Hill Road is hereby legalized, ratified, and
7 confirmed.

8 3 Effective Date. This act shall take effect upon its passage.

Committee Minutes

**SENATE CALENDAR NOTICE
PUBLIC AND MUNICIPAL AFFAIRS**

Senator Betsi DeVries Chairman ✓
 Senator Matthew Houde V Chairman ✓
 Senator Kathleen Sgambati ✓
 Senator Sheila Roberge ✓
 Senator John Barnes, Jr. ✓

8:33 8:50

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/> Bill Status	
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<input type="checkbox"/> Calendar	
Proof: <input type="checkbox"/> Calendar <input type="checkbox"/> Bill Status	

Date: January 27, 2009

HEARINGS

Thursday

2/5/2009

PUBLIC AND MUNICIPAL AFFAIRS

LOB 103

8:30 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

8:30 AM SB75-L
 8:45 AM SB121
 9:00 AM SB136-FN
 9:15 AM SB110

changing the formula for distribution of highway funds in the Woodsville fire district.
 establishing a commission to study potential revenue enhancements for municipalities.
 relative to the motor vehicle registration fee supporting a municipal and transportation improvement fund.
 authorizing appointment of town clerks.

Sponsors:

SB75-L
 Sen. Deborah Reynolds
SB121
 Sen. Matthew Houde
 Sen. Harold Janeway
 Rep. Franklin Gould
SB136-FN
 Sen. Amanda Merrill
 Sen. Matthew Houde
SB110
 Sen. Kathleen Sgambati
 Sen. Sheila Roberge

Rep. Rick Ladd
 Sen. Jacalyn Cilley
 Sen. Deborah Reynolds
 Rep. Raymond Gagnon

Rep. Paul Ingbretson
 Sen. Martha Fuller Clark
 Rep. Susan Almy

Sen. Betsi DeVries
 Rep. Laurie Harding

Sen. Martha Fuller Clark

Rep. Peter Schmidt

Rep. Donna Schlachman

Rep. James Cyr

Rep. Robert Perry

Sen. John Barnes, Jr.

Public and Municipal Affairs Committee Hearing Report

TO Members of the Senate

FROM Susan Duncan *Senior Legislative Aide*

RE Hearing report on SB 75-L – *AN ACT changing the formula for distribution of highway funds in the Woodsville fire district*

HEARING DATE February 5 2009

MEMBERS OF THE COMMITTEE PRESENT Senators DeVries
Houde Sgambati Roberge and Barnes

MEMBERS OF THE COMMITTEE ABSENT No one

Sponsor(s) Senator Reynolds Representatives Ladd and Ingbretson

What the bill does This bill provides a formula for determining the amount attributable to the Town of Haverhill for appropriation to the highway funds in the Woodsville Fire District

Who supports the bill Senator Reynolds Representative Ladd

Who opposes the bill No one

Summary of testimony received

- Senator Reynolds introduced the legislation and explained that Haverhill is one of the largest towns in Senate District 2
- She explained that within the Town of Haverhill which covers a large geographical area there are a number of smaller villages Pike North Haverhill East Haverhill Haverhill Corner Woodsville and Mountain Lakes
- Also within the Town of Haverhill are three separate fire departments three distinct water districts four libraries three planning boards two highway departments and one five member Select Board
- The formula to distribute highway moneys was established by legislation and needs to be updated
- Thanks to the efforts of Representative Ladd who is also the Chairman of the Haverhill Select Board a new formula has been adopted and is being presented in this legislation

MC

from Plymouth on Route 25 to Haverhill at least once a week and sort of consider the town as my second home.

One of the challenges that the town has had is that because of its size and because of the development of the villages or precincts, there have been some separation of some of the highway and sort of infrastructure maintenance issues. One example of how diverse the community is that we actually have five libraries in the town of Haverhill proper.

With regard to this particular legislation, there was some, I would say, strong discussion between the town of Woodsville and the town of, the village of Woodsville and the town of Haverhill, about cost-sharing in terms of highway costs. And that's what the genesis of this legislation is. It has to do with something that is established by state statute. It's a formula that needs to be updated.

And there was a fair amount of disagreement in the community about this issue. At one point, residents in Woodsville were actually talking about seceding from the town, and, thanks to the leadership of Representative Rick Ladd, who you're going to meet in a moment, and other leaders in the town, the residents were able to come together and really work out a cost-sharing formula that, to a large extent, has remediated (sic) this issue. And that's what this legislation is here before.

And Senator Barnes was talking yesterday on the Senate floor about being close to your communities, and that was an ethic that former State Representative Rob Johnson demonstrated, that he tried to demonstrate. That's certainly my feeling as well, that the town of Haverhill's a very important community to me.

I'm going to, probably at this point, take the opportunity to introduce you to Representative Rick Ladd, who's with me today. Rick was newly elected to the House of Representatives this past term. He happens to be the Chair of the Board of Selectmen in Haverhill, and prior, he's got some long ancestries, and he had ancestors in the community. There's actually a Ladd School. But Rick spent most of his career as a school administrator and principal in Alaska, was identified nationally and recognized as an outstanding school administrator. He decided to throw his hat in the ring. He is, by party, a Republican but believes very strongly in working together in a bi-partisan way to try to get some issues resolved. And he's here to kind of explain some of the niceties of the formula change, and I just wanted to introduce you to him because we're very lucky to have him in the General Court. He's been selected to be on the House Education Committee. He brings a lot of wealth of knowledge and experience. So, I would ask to defer questions about the

details to Rick and would like to introduce you to him and have you welcome him to the Senate.

Thank you very much.

Senator Betsi DeVries, D. 18: Thank you, Senator, for introducing the bill. And the Senator has asked for questions to be deferred, and we will honor that. Recognizing Representative Ladd. Thank you, Representative.

Representative Rick Ladd: Thank you very much, Madam Chair.

Senator Betsi DeVries, D. 18: And I think I see a little blush there from that introduction.

Representative Ladd: Yes.

Senator Deborah R. Reynolds, D. 2: (Speaking from the back of the room) I just had to brag about him.

Representative Ladd: I would like to thank Deb Reynolds for her wonderful comments, there. I certainly appreciate. Members of the Committee: it's a pleasure being here this morning.

I do have some information, which I'll pass to you, which might assist in your better understanding the nature of what I'm addressing here with the Senate bill. Oh, okay. Excuse me.

Please see Attachment #1 – Town of Haverhill information packet.

Representative Ladd: As Senator Reynolds iterated, the town of Haverhill is very convoluted in terms of governmental structure. And you'll see on one of the sheets there, we have four village districts, one police department, three fire departments, three water districts, four private libraries, one selectboard with a five-member board, three planning boards, two districts with zoning, two without, two highway departments. And it's sort of like herding cats. As Chairman of the selectboard and a commissioner in Haverhill Corner, we try to glue this structure together, and we're making much progress in the last year.

In regard to the Woodsville fire district, which is one of the precincts ... Within Woodsville, there's two districts. They have a water district with three separate commissioners, which don't have any ... They are independent of the fire district commissioners, which are also in Woodsville. So, they have two sets of commissioners: water and fire. The fire district is responsible for

roads. And there's a formula which we have in Haverhill, which was set by agreement between the town and those commissioners and by New Hampshire law, which you'll see on the cover sheet there, second paragraph, below all the information about the town: New Hampshire law chapter 37, originally HB 1138 back in May 22, 1990.

What this did, it took the budget that the town of Haverhill has for highways, our total budget. On the second sheet, you'll see that, in one of the bracketed areas there, where our total budget this year would be approximately \$988,000 for highway. The way we arrive at that, we take the highway budget and divide it by the property valuation of Woodsville in regard to the total town property valuation.

Woodsville's property valuation - due to increases and Wal-Mart coming into town, various restaurants - has gone up in regard to the total whole. We were capped before at a maximum of 20 percent. Now, due to the increased retail stores and that which have come to Woodsville, the property valuation in Woodsville has become 27.7 percent of the whole.

The highway formula's based upon this. And the commissioners in Woodsville are saying to the town, "Hey! We're not getting our share. We have an infrastructure and our highways, sewer and water below the roads; we have sidewalks and curbing. You don't have that in the rest of the town, so we'd like to have our share." There was an effort fought by some to secede because of this. We're trying to keep the town together.

So, we went back and looked at the formula. And as the selectboard, working with commissioners and all the commissions within the town, we've all come to agreement, and including the Budget Advisory Committee: This is the best way to travel. And so, what we've done is, the amount which would go to Woodsville annually would be based on the property valuation, as we have annually on the MS-1 reporting form to DRA.

In addition to this formula, we've also incorporated into the formula the highway block grant monies, which come from the State. And we divided our highway block monies into two pots, equal pots, that we receive: roughly around \$150,000, so we have 75 in each pot. One is based upon population, and the population of Woodsville in relation to the whole is approximately a quarter. The other side is based on road mileage, and this is the same way money is doled out to the towns from the State. And so the road mileage that Woodsville has is approximately 13 percent of the total whole. So, we take and work that out - you can see that in the second formula there - added the two together, and we're recommending, in this bill, that the whole formula be

changed to reflect what you see right here. I won't go into it because I know you're short on time.

And so, with that, we're asking that Senate Bill 75 will reflect the needs of the communities, so we can keep it together and have it change annually based upon our MS-1 reporting.

I'm pleased to answer any questions.

Senator Betsi DeVries, D. 18: Questions from the Committee? Senator Barnes.

Senator John S. Barnes, Jr., D. 17: Thank you, Madam Chair. Representative, what's the population?

Representative Ladd: The population of Woodsville is approximately a quarter of the 5,000, which we have within the total town.

Senator John S. Barnes, Jr., D. 17: So, total population...

Representative Ladd: So, it's about 25 ... Or, excuse me, it's approximately, what? A quarter of that total population of 5,000, yes.

Senator John S. Barnes, Jr., D. 17: Follow up question?

Senator Betsi DeVries, D. 18: Follow up.

Senator John S. Barnes, Jr., D. 17: You being a Selectman and the Chairman, what have the citizens of your town said about this bill? What have you heard from them?

Representative Ladd: Well, as you can see on the first sheet, we have all these different little precincts and districts. There are a lot of services which the town provides Woodsville, i.e., municipal services administration, police, et cetera, general assistance, and now roads as well. There are some, which are in the minority, saying, "Hey! Let them go their own way." There's a number of things which we receive that are positive from having Woodsville. We're able to put much of the land outside of the Woodsville fire district in current use, and we're protecting land; we're keeping it environmentally sound. And we see the outside areas - North Haverhill, Haverhill Corner, Mountain Lakes - becoming areas where the residents from Woodsville are living. And so we need to keep this together.

It's a give and take, and when you stack up all the figures, we did a real good data analysis of where are dollars in our budget going. In terms of police, yes, Woodsville has about seventy percent of the use of police; general assistance, about seventy percent. But there's other things the rest of the town gets back from having Woodsville as part of the town.

Senator John S. Barnes, Jr., D. 17: One last follow up, if I could, Madam Chair.

Senator Betsi DeVries, D. 18: Absolutely, Senator. Follow up.

Senator John S. Barnes, Jr., D. 17: I detected from your answer that there's a few people that are against this.

Representative Ladd: There are. That's right.

Senator John S. Barnes, Jr., D. 17: The Board itself is a five-member board. I happen to be a Selectman in Raymond, and I know the votes always aren't five to nothing. What is the vote on your Board on this issue?

Representative Ladd: The Board we have in Haverhill is unlike Raymond. It's unanimous, and I can't recall, in the last three years, where we've had any votes which have not been unanimous. What we're doing, we're working with our commissions very closely, and that's made a big difference: communications.

Senator John S. Barnes, Jr., D. 17: Thank you very much.

Senator Betsi DeVries, D. 18: Thank you, Senator. Additional questions?
Senator Sgambati.

Senator Kathleen G. Sgambati, D. 4: Thank you. I would like to say I've absorbed this all, but I can't tell you that I have. When you're talking about the distribution of the highway block grant funds...

Representative Ladd: Yes.

Senator Kathleen G. Sgambati, D. 4: That's ... You get a set amount from the State, and you're talking about the distribution within your communities. I'm trying to ensure that this doesn't affect the amount that would come from the highway fund, but it's just what you would already get?

Representative Ladd: No. We receive around 148,000.

Senator Kathleen G. Sgambati, D. 4: Okay.

Representative Ladd: And we're looking at using that. It's for roads and bridge maintenance, and, certainly, Woodsville has the roads and the bridge maintenance. So, we think it's only fair that we take that percentage based upon this formula. It's not asking for any additional dollars from the State. It's just taking what we receive and dividing it in a more fair manner, in a fairer manner.

Senator Kathleen G. Sgambati, D. 4: Thank you.

Representative Ladd: Yes.

Senator Betsi DeVries, D. 18: I have a question for clarification, Representative. I understand you have devised this formula under the existing structure that you have and infrastructure that you have in the different districts today. But, say, if there was a large industrial project, let's say, just for the sake of it, let's say a wood pellet plant, should open up, has ... obviously will skew the assessed valuation. Did the board consider that that...?

Representative Ladd: Yes, Senator.

Senator Betsi DeVries, D. 18: ...could happen?

Representative Ladd: The ... In fact, what you ask, we have going on. North Haverhill has, we have, a business park there, which the property's owned by the town. We're selling the lots to a commercial realtor. We've had White Mountain Diesel, Mr. Presby, come in. We're building a biodiesel plant there for taking animal fats and putting it into the biodiesel. That's going to increase the valuation in North Haverhill, and this is why this formula states that the adjustment of monies which go to Woodsville are based annually on the MS-1 reporting from that preceding year. So, one year it may be here, another year it may be a little lower. So, it fluctuates based upon valuation throughout the town.

Senator Betsi DeVries, D. 18: Follow up: do I have any additional questions from the Committee?

Senator Matthew Houde, D. 5: I do. I have one other question, Madam Chair.

Senator Betsi DeVries, D. 18: Senator.

Senator Matthew Houde, D. 5: Thank you very much. Thank you for taking the question, Representative. Just to follow up on that question and for clarification, the new calculation doesn't take into consideration valuation of the village versus the town, is that correct?

Representative Ladd: It takes the ... We're looking at the property valuation of Woodsville over top of the entire property valuation of the town of Haverhill. So, it becomes a percentage there, and we are looking at that, and that's what we get from the annual MS-1 reporting. And so we are able to discern. In the past, it's been, roughly, we've been capped at 20 percent of that property valuation in Woodsville, whereas we know that their property valuation is much greater than that percentage. And so, we are ... We look at it annually, and this has been the concern, that Woodsville is unable to maintain their protector infrastructure. The roads in Woodsville are atrocious, and they can't maintain that infrastructure with the dollars they're receiving.

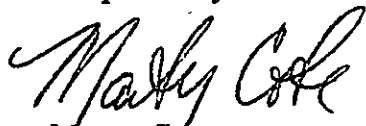
This will provide them annually approximately another hundred thousand dollars, which will help, somewhat, in maintaining that sewer system and water, underneath the road, and the sidewalks, which they have along with their roads, which don't have a decent base underneath them.

Senator Matthew Houde, D. 5: Thank you.

Senator Betsi DeVries, D. 18: Additional questions from the Committee? Hearing none, I don't have anybody else lined up to speak to this. I would ask if anybody had come in wishing to speak on Senate Bill 75. Hearing none, we will close the hearing on Senate Bill 75.

Hearing concluded at 8:50 a.m.

Respectfully submitted,



Marty Cote
Senate Secretary
2/18/09

1 Attachment

TOWN OF HAVERHILL

- 4 Village Districts (N. Haverhill, Hav Corner, Mtn Lakes, and Woodsville)
 - 1 Police Department (Haverhill)
 - 3 Fire Departments (Woodsville, Haverhill Corner, North Haverhill)
 - 3 Water Districts (Woodsville, Haverhill Corner, North Haverhill)
 - 4 Private Libraries with operating under their own trust funds and annual contributions from the town (Pike, N. Haverhill, Haverhill Corner, Woodsville)
-
- 1 5 member Selectboard (Haverhill)
 - 3 Planning Boards (Town, Mtn Lakes, and Haverhill Corner)
 - 2 districts/ precincts with zoning (ZBA's) and 2 without
 - 2 Highway Departments (Haverhill and Woodsville)

The Woodsville Fire District, a district/precinct within the Town of Haverhill, currently maintains the roads and sidewalks in that district and receives a proportionate share of the Town of Haverhill highway budget.

This process is done in accordance with a formula set by agreement between the Fire District Commissioners and the Town of Haverhill Selectboard and established in NH Law, Chapter 37 (Originally HB 1138) May 22, 1990.

“The money appropriated for the distribution of highway funds in the district which is attributable to the Town of Haverhill shall not exceed 20% of the total amount of expenditures authorized in the town.”

Highway budget = percentage of Woodsville property valuation to the whole of Haverhill
27.7% of this is Woodsville 72.3% is Haverhill
With recent changes, i.e. Wal-Mart

Highway Bock Grant Funds from State
Population and Road Miles

HAVERHILL SELECTBOARD ADDENDUM PROPOSAL (9/16/08)
to
FIRST AMENDMENT
of
"MEMORANDUM OF UNDERSTANDING"

All sections of the First Agreement will remain the same as dated January 1995, with the exception of section 2.b that is changed to read:

b. The Board of Selectmen and the Board of Commissioners have determined that the following formula represents their best judgment and agreement as to the proper implementation of said Special Act:

The net operating budget of the Town of Haverhill Highway Department, including the budget for the Town Highway Garage, shall be divided by an annual percentage factor based upon the annual updated Woodsville Fire District property valuation percentage of the Town of Haverhill property valuation as determined from the Annual Town of Haverhill MS-1 Summary Inventory of Valuation. The resulting figure shall be the total amount of money budgeted for road maintenance by the Town of Haverhill with the annual percentage factor (determined from the above stated MS-1 report) of the total road budget returned to the Woodsville Fire District as the so-called "Woodsville Road Money" pursuant to said Special Act.

By way of example, the 2009 fiscal year budgeted amount to operate the Town of Haverhill Highway Department is \$714,774. 72.3% (based upon the 2008 MS-1) divided into \$714,774 equals \$988,622 (Total Highway Budget). The Woodsville Fire District would receive 27.7% of the Total Highway Budget) or \$273,848.

The total Highway Block Grant revenue received by the Town of Haverhill will be divided into two (2) pots of 50% each. From the population pot, the Woodsville Fire District will receive an amount of revenue based upon Woodsville's population obtained from the most recent US Census data in proportion to the entire Town population. Revenue from the second pot will be disbursed based upon Woodsville's Class V road mileage in proportion to the total Town Class V mileage.

For example, the 2008 Highway Block Grant revenue received by the Town was \$148,449. The Woodsville population is 1,081 and the total Town population is 4,416. Woodsville has 24.5% of the population. Woodsville will receive 24.5% of the first pot. ($\$74,225 \times 24.5\% = \$18,185$) Woodsville's Class V road mileage is 13.7% of the total Town road mileage. Woodsville will also receive 13.7% of the Class V road mileage from pot 2. ($\$74,225 \times 13.7\% = \$10,169$).

Based upon the above figures, the Woodsville Fire District will receive:
 $\$18,185 + \$10,169 = \$28,354$ of the Highway Block Grant distribution.

To become effective, the Haverhill Selectboard and Woodsville Commissioners must approve this agreement. The proposed change also requires statutory approval by the New Hampshire Legislature.

Revised 12/29/08 based on actual 2009 budget figures.

FIRST AMENDMENT
TO
"MEMORANDUM OF UNDERSTANDING"

The Town of Haverhill, by and through its Board of Selectmen, and the Woodsville Fire District, by and through its Board of Commissioners, hereby amend their "Memorandum of Understanding" {originally effective 12/01/90} as follows:

- 1. Conditions One (1) through Six (6) shall remain in full force and effect.
- 2. With respect to the calculation of tax monies to be returned by the Town of Haverhill to the Woodsville Fire District, it is agreed that:
 - a. The language of the Special Act authorizing and mandating such payment(s) is in need of interpretation. and
 - b. The Board of Selectmen and Board of Commissioners have determined that the following formula represents their best judgment and agreement as to the proper implementation of said Special Act:

The net operating budget of the Town of Haverhill Highway Department, including the budget for the Town Highway Garage, shall be divided by a factor of 80%. The resulting figure shall be the total amount of money budgeted for road maintenance by the Town of Haverhill and 20% of that amount shall be returned to the Woodsville Fire District as the so-called "Woodsville Road Money" pursuant to said Special Act.

By way of example, for the 1994 fiscal year the amount budgeted to operate the Town of Haverhill Highway Department was \$359,436.00. Eighty per cent divided into \$359,436.00 equals \$449,295.00. The Woodsville Fire District received 20% of the latter amount or \$89,859.00.

3. The above formula shall remain in effect unless and until amended or rescinded by agreement of the Town of Haverhill and the Woodsville Fire District.

Dated at Woodsville, NH this 16 day of January, 1995.

WOODSVILLE FIRE DISTRICT

by: [Signature]
Richard L. Guy, Commissioner

[Signature]
Joseph C. Maccini, Commissioner

[Signature]
Lawrence P. Corey, Commissioner

TOWN OF HAVERHILL

[Signature]
Richard G. Kinder, Selectman

[Signature]
Ernest A. Towne, Selectman

[Signature]
Michael G. Graham, Selectman

EXAMPLE OF
ADDENDUM TO MEMORANDUM OF UNDERSTANDING
(Using 1994 Budget Figures)

NOTE: Town Highway Budget = 80% of Total Budget
Woodsville Precinct = 20% of Total Budget

TOWN HIGHWAY BUDGET		TOWN HIGHWAY % OF TOTAL BUDGET		TOTAL BUDGET (Town/Woodsville Prec.)
\$359,436	÷	80%	=	\$449,295
TOTAL BUDGET		WOODSVILLE PREC. % OF TOTAL BUDGET		WOODSVILLE PORTION
\$449,295	X	20%	=	\$ 89,859

Town of Haverhill

Selectmen's Office, Municipal Build:
35 Court Str
Woodsville, N.H. 03785 603-747-3:

MEMORANDUM OF UNDERSTANDING

The Haverhill Board of Selectmen and the Woodsville Fire District Commissioners are in agreement with the following conditions in connection with the expansion of the Woodsville Fire District boundaries:

- [1] That the Woodsville Fire District will provide winter maintenance for the roads leading to the Eden Aldrich property and the road leading past the residences of Simonds and Beckley;
- [2] That grader purchases will be excluded from the road money computation;
- [3] That the vehicle capital reserve fund will be used for the purchase of police cruisers and graders--but if it should be used for trucks or the purchase of a loader--Woodsville Fire District will get their proportionate share;
- [4] That the Woodsville Fire District will receive their proportionate share on all special highway projects.
- [5] That the precinct taxes shall be assessed to owners of property in the expansion area as of 4/01/91;
- [6] That the effective date for the expansion of the boundaries shall be December 1st, 1990.

WOODSVILLE FIRE DISTRICT
COMMITTEESMEN

HAVERTHILL BOARD OF SELECTMEN

Joseph E. Maccini
JOSEPH E. MACCINI

Richard C. Kinder
RICHARD C. KINDER

Richard L. [unclear]
RICHARD L. [unclear]

Harry E. Jenaro
HARRY E. JENARO

Lawrence P. Corey
LAWRENCE P. COREY

Robert A. Cowne
ROBERT A. COWNE

Subscribed to and sworn before me this _____ day of June

Notary Public
[Signature]

5
 committee shall serve without compensation. This section 1 of this act for the committee.

year ending June 30, 1990, is nonlapsing. The governor is authorized of any money in the treasury not

upon its passage.

1066)

ION OF BINGO GAMES.

Representatives in General Court

2:7, XV is repealed and reenacted

in accordance with RSA 287-E:7, a game may be run, not to exceed 24 numbers on the card in at 50 and may be incremented 1 of 60 numbers, where it shall persons covering all 24 numbers shall be awarded in addition to RSA 287-E:7, XIII. This progression, with a bonus prize of up to 2 numbers on the card are covered to state tax under RSA 287. as part of the winner take all upon package games.

upon its passage.

1084)

FARE COMMUNITIES.

Representatives in General Court

read as follows:

to or were under the supervision of justice under RSA 7:19 from the provisions of this chap-

er. However, any such facility may elect by a one-time irrevocable election to be subject to the provisions of this chapter by filing an application for a permanent certificate of authority with the commissioner.

36:2 Effective Date. This act shall take effect January 1, 1991.

[Approved March 23, 1990.]

[Effective Date January 1, 1991.]

CHAPTER 37 (HB 1138)

AN ACT TO CHANGE THE FORMULA FOR THE DISTRIBUTION OF HIGHWAY FUNDS IN THE WOODSVILLE FIRE DISTRICT.

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

37:1 Distribution of Highway Funds in Woodsville Fire District. Amend 1887, 204:3, as amended by 1899, 196:2, to read as follows:

SECT. 3. Said district at each annual meeting shall elect by ballot a moderator, a clerk, one auditor, a treasurer, and three commissioners. All of said officers shall be elected by a majority vote of all the voters present and voting at the annual meeting. Said officers shall exercise in relation to district meetings the like powers to those of moderator, clerk, and selectmen of towns. The commissioners shall have within the district all the powers of the mayor and aldermen of any city respecting highways, sidewalks, and sewers. They shall control and direct the expenditure of all moneys raised under authority of the district and by the town of Haverhill for expenditure in the district. They shall have sole authority to appoint a highway surveyor in said district, and in default of such appointment shall themselves perform the duties of that office. The surveyor or commissioners performing the duties of highway surveyor in the district shall give bond to the town to account for all money coming into their hands, and for the proper care and custody of the property of the town or district which may come into their custody or control, and shall be deemed officers of the town. Nothing in this act shall be construed to impose any distinct or special liability upon the district respecting highways within its limits. Vacancies that may occur in the office of commissioner in the district shall be filled by appointment of the remaining commissioners or commissioner, but any commissioner appointed to fill a vacancy shall hold office only until the next annual district meeting. Commissioners shall be residents of the district. The money appropriated for the distribution of highway funds in the district which is attributable to the town of Haverhill shall not exceed 20 percent of the total amount of expenditures authorized at the town meeting.

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

[Approved March 23, 1990.]

[Effective Date May 22, 1990.]

CHAPTER 196.

AN ACT TO AMEND CHAPTER 204 OF THE LAWS OF 1887, RELATING TO THE POWERS OF THE WOODSVILLE FIRE DISTRICT, AND TO LEGALIZE, RATIFY, AND CONFIRM THE ADOPTION OF CHAPTER 204 OF THE LAWS OF 1887 AND CHAPTER 78 OF THE GENERAL LAWS BY SAID DISTRICT, AND TO RATIFY AND CONFIRM ALL SUBSEQUENT ACTS OF THE DISTRICT AND ITS OFFICERS, AND TO AUTHORIZE THE ISSUE OF BONDS BY THE DISTRICT.

SECTION

1. Repeal of provision as to raising of money.
2. Election and duties of officers; filling of vacancies.
3. Raising of money; proviso.
4. Raising of money; land and buildings; expenditures.
5. Bond of treasurer.
6. Borrowing of money.

SECTION

7. Accounts of commissioners; fiscal year; annual meeting.
8. Check-lists.
9. Proceedings ratified.
10. Issue of bonds.
11. District is municipal corporation within Municipal Bonds Act, 1895.
12. Repealing clause.
13. Takes effect on passage.

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

SECTION 1. Section 4 of said act is hereby repealed.

SECT. 2. Section 3 of said act is hereby amended so as to read as follows: "Said district at each annual meeting shall elect by ballot a moderator, a clerk, one auditor, a treasurer, and three commissioners. All of said officers shall be elected by a majority vote of all the voters present and voting at the annual meeting. Said officers shall exercise in relation to district meetings the like powers to those of moderator, clerk, and selectmen of towns. The commissioners shall have within the district all the powers of the mayor and aldermen of any city respecting highways, sidewalks, and sewers. They shall control and direct the expenditure of all moneys raised under authority of the district and by the town of Haverhill for expenditure in the district. They shall have sole authority to appoint a highway surveyor in said district, and in default of such appointment shall themselves perform the duties of that office. The surveyor or commissioners performing the duties of highway surveyor in the district shall give bond to the town to account for all money coming into their hands, and for the proper care and custody of the property of the town or district which may come into their custody or control, and shall be deemed officers of the town. Nothing in this act shall be construed to impose any distinct or special liability upon the district respecting highways within its limits. Vacancies that may occur in the office of commissioner in the district shall be filled by appointment of the remaining commissioners or commissioner, but any commissioner appointed to fill a vacancy shall hold office only until the next annual district meeting. Commissioners shall be residents of the district."

Repeal of provision as to raising of money.
Election and duties of officers; filling vacancies.

Raising of
money; pro-
viso.

SECT. 3. The district at its annual meeting shall determine what amount of money, in addition to the highway taxes to be levied by authority of the town, shall be raised in the district, and what amount shall be raised for sewers, but this shall not derogate from the right of the town to raise the highway taxes for the maintenance of highways in labor outside the limits of the district. All taxes for repairing highways, building and repairing sidewalks and sewers in the district shall be raised in money, whether by authority of the town or district. Nothing in this act, however, shall be construed to derogate from the powers and duty of the town and selectmen to provide for ordinary and extraordinary repairs of bridges, culverts, highways, and embankments, and for the construction of new highways that may be laid out in town.

Raising of
money; land
and build-
ings; expen-
ditures.

SECT. 4. Said district may vote to raise money at any meeting, in addition to the amount raised by the town for expenditure in the district, not exceeding one per cent annually upon the assessed valuation of polls and property in said district, for any lawful purposes, including repairing of highways, making and repairing sidewalks and sewers in the district, to purchase materials, tools, and apparatus, to purchase and lease lands and buildings, and to erect suitable buildings for the use of the district, but the land purchased for district buildings shall not exceed one-half acre. The district may by vote raise money and appropriate the same in carrying out the provisions of chapter 79 of the Public Statutes in said district. All votes to raise money by taxation shall be certified by the clerk of the district and seasonably transmitted to the selectmen of the town, and the sum so voted shall be assessed, collected, and paid over from the town treasury to the treasurer of said district upon the order of the selectmen, in the same manner that highway taxes in said district are now assessed, collected, and paid over to the commissioners of the district. The commissioners shall draw orders upon the district treasurer for the payment of all accounts and claims against the district allowed by them, and take proper vouchers therefor. All highway and sewerage taxes levied in the district shall be collected in money by the collector of other taxes in town, and in the first instance paid into the town treasury. A separate account of the same shall be kept by the town treasurer, but said funds shall be expended and accounted for by the district commissioners.

Bond of treas-
urer.

SECT. 5. The district treasurer shall within six days after his election or appointment, and before entering upon the duties of his office, give bond to the district, with sufficient sureties to the acceptance of the district or the commissioners, for the faithful performance of his official duty, in form like that of county officers, and in default thereof the office shall be vacant.

Borrowing of
money.

SECT. 6. The commissioners, upon authority given them by a vote of two thirds of all the voters present and voting at any annual or special meeting, may borrow money upon the credit of the district, to be used only for the purposes of the district.

aged, and by that name they defend to final judgment and exercise all the powers and liabilities by law incident to effect on its passage.

SECOND CONGREGATIONAL CHURCH
SIPPEE.

- SECTION
- 3. May adopt rules of church.
- 4. Takes effect on passage.

use of Representatives in General

Sinclair, Ezekiel B. Andrews, ter, Emma B. Andrews, Lucie
 cessors, are hereby made a
 e name of the Second Con-
 id shall have and enjoy all the
 bject to all of the liabilities in-
 r nature.
 acquire, by purchase or other-
 y receive and hold gifts, dona-
 e of this church.
 adopt the principles and rules
 nt of its proceedings and the
 s they are consistent with the
 ct on its passage.

SECT. 7. The district commissioners shall annually prepare and submit in printed pamphlets a detailed account of all their transactions, their receipts and expenditures, statements of the prices paid for labor and material, to whom, for whom, and for what all such payments have been made, a statement of the indebtedness of the district, if any exist, and a statement of all outstanding bills due or claimed to be due against the district at the close of the fiscal year. Such accounts shall be audited by the district auditors before the first day of March in each year, and in their report said auditors shall state in regard to any illegal expenditures that they may find in the transactions of the commissioners or of the surveyor of the district. The fiscal year of the district shall end on the first day of March. The annual meeting shall be holden in the month of March after the second Tuesday. In every case vouchers shall be taken for different funds paid out.

Accounts of commissioners; fiscal year; annual meeting.

SECT. 8. Upon the petition of twenty voters in the district, the selectmen and supervisors shall cause a check-list to be prepared and used at the annual district meeting, in the same manner as is provided for the use of check-lists in meetings of school districts; provided, that such petition shall be filed fourteen days at least prior to the time of the annual March town meeting. At special district meetings the check-list as corrected for the last annual or biennial meeting in town shall be used upon petition of twenty legal voters addressed to the supervisors of the check-list.

Check-lists.

SECT. 9. The proceedings of the Woodsville fire district in adopting the provisions of chapter 204 of the laws of 1887, and of chapter 78 of the General Laws, are hereby ratified and confirmed, and the said statutes are declared to have been duly adopted and to have been in force and effect in the said district from the nineteenth day of March, 1888, and all subsequent proceedings of the district and acts of its commissioners and officers are hereby ratified, confirmed, and legalized.

Proceedings ratified.

SECT. 10. The proceedings of the district taken on the fifteenth of September, 1898, and of the commissioners of the district on the twenty-seventh of September, 1898, for the issue of bonds of the district to the amount of twelve thousand dollars, are hereby ratified, confirmed, and legalized, and the treasurer of the district is authorized and directed to issue and sell such bonds accordingly. Such bonds shall be issued under and subject to all the terms and provisions of the Municipal Bonds Act, 1895.

Issue of bonds.

SECT. 11. The Woodsville Fire District is declared to be a municipal corporation within the meaning of the Municipal Bonds Act, 1895, and to have the power and authority vested in municipal corporations by the said act.

District is municipal corporation within Municipal Bonds Act, 1895.

SECT. 12. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repealing clause.

SECT. 13. This act shall take effect upon its passage.
 [Approved March 9, 1899.]

Takes effect on passage.

to the powers already granted, to manufacture, distribute, and sell gas for fuel, power, and heating purposes.

May increase capital stock.

SECT. 4. Said corporation may increase its capital stock to an amount not exceeding five hundred thousand dollars in the whole.

Takes effect, when.

SECT. 5. This act shall take effect upon its passage.
[Approved July 21, 1887.]

CHAPTER 204.

AN ACT TO ENLARGE THE POWERS OF THE WOODSVILLE FIRE DISTRICT.

SECTION

- 1. Powers enlarged.
- 2. Special meeting.

SECTION

- 3. Commissioners, their election and duties.
- 4. Taxes.

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

Powers enlarged.

SECTION 1. The Woodsville Fire District may adopt the provisions of chapter 78 of the General Laws at its annual meeting or at any special meeting called for that purpose, and have the same rights as cities have by virtue of said chapter; and the rights of all parties interested shall be settled in the same way as is therein provided.

Special meeting.

SECT. 2. Said special meeting for the adoption of the provisions of section 1 of this act, and for the choice of the commissioners in this act provided, may be called by any justice of the peace upon the petition of ten or more legal voters in said district, in the same manner as town-meetings may be called by a justice of the peace.

Commissioners, their election and duties.

SECT. 3. Said precinct shall elect a board of five commissioners at said meeting, and thereafter annually, by ballot, who shall hold their offices for one year and until their successors are chosen and qualified. The commissioners shall have all the powers of mayor and aldermen of cities respecting all matters within the legal authority of the district, and shall be, by virtue of their office, firewards and health officers. They shall control and direct the expenditure of all moneys raised under the authority of the district. They shall submit in writing an account of their receipts and disbursements for allowance, and make report of the condition of the property of the district in their care, and have the sole power of appointing a surveyor of highways for said district. The said surveyor shall give bond to the town as provided by law, and shall be deemed an officer of the town; and nothing in this act shall be construed to impose any distinct or special liability upon the district respecting highways within its limits. All highway taxes levied within the limits of the district

shall be collected in money by the collector of other taxes, and paid into the treasury of the town separate from other moneys, and only expended with the approval and upon the order of said commissioners.

SECT. 4. Said district may vote to raise money to an amount ^{taxes.} not exceeding one tenth of one per cent annually upon the assessed valuation of polls and property in the district, and appropriate the same for the purpose of carrying out the provisions of said chapter 78 of the General Laws, to be certified, assessed, collected, and paid over in the same manner as other fire district taxes now are.

[Approved July 21, 1887.]

CHAPTER 205.

AN ACT PROVIDING FOR THE REPAIR AND CUSTODY OF UNION HALL
IN JAFFREY.

SECTION 1. Corporation constituted.

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

SECTION 1. School District No. 2 in the town of Jaffrey, ^{as Corporation} the boundaries of the district were existing March 1, 1886, shall ^{constituted.} be a body corporate for the purpose of owning and controlling Union Hall in said district, and are authorized by a major vote to raise money, by tax assessed upon the polls and estates of said district, for repairs and the payment of outstanding indebtedness; and for these purposes the district shall choose all necessary officers in the month of March of each year.

[Approved July 21, 1887.]

CHAPTER 206.

AN ACT TO INCORPORATE THE FRANCESTOWN BANK.

SECTION

1. Corporation constituted.
2. Location.
3. Capital stock.

SECTION

4. First meeting.
5. Subject to repeal.

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

SECTION 1. That John D. Butler, George S. Peavey, Hiram P. Clark, Hiram Patch, J. S. Mannahan, George E. Downs, Nathan ^{Corporation} ^{constituted.}

Town of Haverhill

COPY

Selectmen's Office, Municipal Building
35 Court Street
Woodsville, N.H. 03785 . 603-747-3318

November 28, 1989.

Lawrence Corey, Commissioner
Woodsville Fire District
9 Pine Street
Woodsville, NH 03785

Re: Expansion of Precinct
boundaries

Dear Larry:

The Selectmen are in agreement that the expansion of the Woodsville Fire District boundaries would be in the best public interest and should be approved contingent upon the following conditions:

Amendment of the original legislation relative to the distribution of road money to Woodsville Fire District.

Legislation will be amended to provide that money appropriated for the distribution of highway funds in Woodsville Fire District shall not exceed 20% of the total amount appropriated at town meeting under the town maintenance operating budget which will include the purchase of trucks and operating expenses for the town garage.

Items which would not be included in the road money computation would be--

Specific warrant articles relating to major road construction costs, bridges and ~~equipment purchases~~.

(GARDNER) - Trucks - Loader - Snow Plows.

As you know, the decision relative to expansion of the precinct boundaries rests with the Board of Selectmen. However, before taking a formal vote on this matter, the board preferred to extend the Commissioners the courtesy of notifying you that their decision will be based on the conditions as set forth above.

We welcome any comments you might have prior to our next meeting which will be held on Tuesday December 5th, at which time the board will render a final decision. Our meeting date was changed to Tuesday the 5th in order to enable the Selectmen to attend the Special School District Meeting on December 4th.

Sincerely,
HAVERHILL BOARD OF SELECTMEN

By: Patricia G. Klark
Patricia G. Klark
Administrative Assistant

COPY

HAVERHILL BOARD OF SELECTMEN
35 COURT STREET, MUNICIPAL BUILDING
WOODSVILLE, NH 03785
TELEPHONE [603] 747-3318

September 28, 1989

Paul I. LaMott
Court St. Ext.
Haverhill, NH 03765

RE: Legislation for
Expansion of Woodsville
Fire District Boundaries

Dear Paul:

I believe that Rich Kinder has spoken to you about sponsoring legislation which will set a formula for distribution of road money to Woodsville Fire District once the boundaries are expanded. Rich has put together the enclosed information which he says you will need to submit by October 1st.

If you have any questions, please let me know.

Sincerely,

HAVERHILL BOARD OF SELECTMEN

BY: 

Patricia G. Clark
Administrative Assistant

For: [unclear]

COPY

Town of Haverhill

Selectmen's Office, Municipal Building
35 Court Street
Woodsville, N.H. 03785 603-747-3318

April 19, 1989

Stephen U. Samaha, Esq.
Moulton, Samaha, Vaughan & Ransmeyer, PA
65 Main Street
Littleton, NH 03561

RE: Woodsville Fire District
Road Money

Dear Steve:

Enclosed are copies of the legislation which set up the formula for the road money which each year is appropriated and distributed to Woodsville Fire District.

At issue is whether or not the Selectmen and Precinct Commissioners can modify that formula and sign an agreement setting a fixed percentage for the distribution. Another problem is exactly what is covered by this legislation. In the past it has been limited to just the proportionate share of the highway department operating budget, but the Precinct Commissioners believe that it should also include the maintenance of the highway garage, capital expenditures for equipment purchased [eg.-graders, loaders & trucks], and road construction projects voted by warrant article.

I am sure that Gary Wood will be able to shed some light on this. He has had the advantage of sitting on both sides since he has served as a Selectman and now as counsel for the Precinct.

If you have any questions, please let me know.

Sincerely,
HAVERHILL BOARD OF SELECTMEN
BY: Patricia G. Klark
Patricia G. Klark
Administrative Assistant

Enclosure

A BILL TO AMEND RSA CH. 204 (SEE ENCLOSED) RELATIVE TO THE EXPANSION OF THE WOODSVILLE FIRE DISTRICT PRECINCT BOUNDARIES AND THE DISTRIBUTION OF HIGHWAY FUNDS RAISED IN THE TOWN OF HAVERHILL.

EXPLANATION: THE WOODSVILLE FIRE DISTRICT, A PRECINCT WITHIN THE TOWN OF HAVERHILL, PRESENTLY MAINTAINS THE ROADS AND SIDEWALKS IN THE DISTRICT AND RECEIVES A PROPORTIONATE SHARE OF THE TOWN HIGHWAY BUDGET EQUAL TO THE RATIO OF ASSESSED VALUATION. IN OTHER WORDS, THE PROPORTION OF TAX MONEY RAISED IN WOODSVILLE FOR THE MAINTENANCE OF ROADS IS EXPENDED IN WOODSVILLE. A PROPOSAL TO EXPAND THE WOODSVILLE FIRE DISTRICT BOUNDARIES, PRESENTLY BEFORE THE SELECTMEN, REQUIRES A CHANGE IN THE FORMULA FOR THE DISTRIBUTION OF HIGHWAY FUNDS.

Speakers

Voting Sheets

Senate Public & Municipal Affairs

EXECUTIVE SESSION

Bill # SB 75

Hearing date: 2/5/09

Executive session date: 2/5/09 - 2/19/09

Motion of: OTP - withdrawn 2/5/09

VOTE: _____

Made by DeVries
Senator: Houde
 Sgambati
 w/d Roberge
 Barnes

Seconded DeVries
by Senator: Houde
 Sgambati
 w/d Roberge
 Barnes

Reported DeVries
by Senator: Houde
 Sgambati
 Roberge
 Barnes

Motion of: OTP 2/19/09

VOTE: 5-0

Made by DeVries
Senator: Houde
 Sgambati
 Roberge
 Barnes

Seconded DeVries
by Senator: Houde
 Sgambati
 Roberge
 Barnes

Reported DeVries
by Senator: Houde
 Sgambati
 Roberge
 Barnes

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator DeVries, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Houde, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Sgambati	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Roberge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Barnes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: February 19, 2009

THE COMMITTEE ON Public and Municipal Affairs

to which was referred Senate Bill 75-L

AN ACT changing the formula for distribution of highway funds in
the Woodsville fire district.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS

BY A VOTE OF: 5 - 0

AMENDMENT # s

Senator Matthew Houde
For the Committee

Marty Cote 271-3045

New Hampshire General Court - Bill Status System

Docket of SB75

Docket Abbreviations

Bill Title: (New Title) changing the formula for distribution of highway funds in the Woodsville fire district and ratifying the establishment of the West Ossipee fire precinct as a village district.

Official Docket of SB75:

Date	Body	Description
01/08/2009	S	Introduced and Referred to Public and Municipal Affairs; SJ 2 , Pg.25
01/27/2009	S	Hearing; February 5, 2009, Room 103, LOB 8:30 a.m.; SC 9
02/19/2009	S	Committee Report; Ought to Pass [03/04/09];
03/04/2009	S	Ought to Pass, MA, VV; OT3rdg;
03/04/2009	S	Passed by Third Reading Resolution; SJ 6 , Pg.81
03/04/2009	H	Introduced and Referred to Municipal and County Government; HJ 21 , PG.645
03/24/2009	H	===CANCELLED=== Public Hearing: 3/31/2009 11:00 AM LOB 301
03/24/2009	H	Vacated from Municipal and County Government and Referred to Public Works & Highways; HJ 25 , PG.826
04/22/2009	H	Public Hearing: 5/5/2009 11:00 AM LOB 201
04/28/2009	H	Executive Session: 5/12/2009 10:15 AM LOB 201 ==RECESSED==
05/18/2009	H	Public Hearing on Proposed Amendment #1659h (NT): 5/26/2009 10:00 AM LOB 201
05/19/2009	H	==CONTINUED== Executive Session: 5/26/2009 10:15 AM LOB 201
05/26/2009	H	Committee Report: Ought to Pass with Amendment #1659h (NT) for June 3 CC (vote 15-0); HC 41 , PG.1579
05/26/2009	H	Proposed Committee Amendment #1659h (New Title); HC 41 , PG.1600
06/03/2009	H	Amendment #1659h (New Title) Adopted, VV; HJ 45 , PG.1683
06/03/2009	H	Ought to Pass with Amendment #1659h (New Title): MA VV; HJ 45 , PG.1683
06/10/2009	S	Sen. DeVries Concurs with House Amendment {1659h} (New Title) , MA, VV;
06/10/2009	H	Enrolled
06/10/2009	S	Enrolled

NH House

NH Senate

Contact Us

New Hampshire General Court Information Systems
 107 North Main Street - State House Room 31, Concord NH 03301

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB-75 ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

HEARING TRANSCRIPT (verbatim transcript of hearing)

List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: Attachment 1

SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

___ - AMENDMENT # _____ ___ - AMENDMENT # _____
___ - AMENDMENT # _____ ___ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED ___ AS AMENDED BY THE HOUSE
 FINAL VERSION ___ AS AMENDED BY THE SENATE

___ PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: _____

EXECUTIVE SESSION REPORT

___ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

6/29/09
~~2/20/09~~

Marilyn Cole
COMMITTEE SECRETARY

**Bill as
Introduced**

SB 75 - AS INTRODUCED

File

2009 SESSION

09-0159
06/03

SENATE BILL

75

AN ACT

changing the formula for distribution of highway funds in the Woodsville fire district.

SPONSORS:

Sen. Reynolds, Dist 2; Rep. Ladd, Graf 5; Rep. Ingbretson, Graf 5

COMMITTEE:

Public and Municipal Affairs

ANALYSIS

This bill provides a formula for determining the amount attributable to the town of Haverhill for appropriation to the highway funds in the Woodsville fire district.

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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nine

AN ACT changing the formula for distribution of highway funds in the Woodsville fire district.

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

1 1 Distribution of Highway Funds in Woodsville Fire District. Amend 1887, 204:3, as amended
2 by 1899, 196:2 and 1990, 37:1, to read as follows:

3 SECT. 3. Said district at each annual meeting shall elect by ballot a moderator, a clerk, one
4 auditor, a treasurer, and three commissioners. All of said officers shall be elected by a majority vote
5 of all the voters present and voting at the annual meeting. Said officers shall exercise in relation to
6 district meetings the like powers to those of moderator, clerk, and selectmen of towns. The
7 commissioners shall have within the district all the powers of the mayor and aldermen of any city
8 respecting highways, sidewalks, and sewers. They shall control and direct the expenditure of all
9 moneys raised under authority of the district and by the town of Haverhill for expenditure in the
10 district. They shall have sole authority to appoint a highway surveyor in said district, and in default
11 of such appointment shall themselves perform the duties of that office. The surveyor or
12 commissioners performing the duties of highway surveyor in the district shall give bond to the town
13 to account for all money coming into their hands, and for the proper care and custody of the property
14 of the town or district which may come into their custody or control, and shall be deemed officers of
15 the town. Nothing in this act shall be construed to impose any distinct or special liability upon the
16 district respecting highways within its limits. Vacancies that may occur in the office of
17 commissioner in the district shall be filled by appointment of the remaining commissioners or
18 commissioner, but any commissioner appointed to fill a vacancy shall hold office only until the next
19 annual district meeting. Commissioners shall be residents of the district. The money appropriated
20 for the distribution of highway funds in the district which is attributable to the town of Haverhill
21 shall ~~not exceed 20 percent of the total amount of expenditures authorized at the town meeting~~ be
22 *determined by a fraction, the numerator of which shall be the assessed valuation of the*
23 *properties in the district, and the denominator of which shall be the assessed valuation of*
24 *the properties in the entire town of Haverhill as determined annually from the town MS-1*
25 *form. The town of Haverhill shall appropriate the percentage represented by such fraction*
26 *for distribution to the highway fund in care of the Woodsville fire district commissioners.*
27 *The district shall also receive a proportionate share of the state highway block grant funds*
28 *received by the town in the previous year based on the population and road mileage of the*
29 *district compared to the population and road mileage of the entire town of Haverhill.*

30 2 Effective Date. This act shall take effect upon its passage.

Amendments

Rep. McConkey, Carr. 3
May 14, 2009
2009-1659h
06/10

Amendment to SB 75

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT changing the formula for distribution of highway funds in the Woodsville fire
4 district and ratifying the establishment of the West Ossipee fire precinct as a
5 village district.
6

7 Amend the bill by inserting after section 1 the following and renumbering the original section 2 to
8 read as 3:

9

10 2 Establishment of West Ossipee Fire Precinct as Village District; Bond Warrant Article
11 Approved. The status of the West Ossipee fire precinct as a village district and a body corporate and
12 politic under RSA 52 is hereby legalized, ratified and confirmed, regardless of the fact that the
13 precinct may not have followed the procedures required by RSA 52, and as such, the bond warrant
14 article passed at the January 10, 2009 annual meeting of the precinct which authorized the purchase
15 and construction of a new fire station on Jewell Hill Road is hereby legalized, ratified, and
16 confirmed.



2009-1659h

AMENDED ANALYSIS

This bill:

I. Provides a formula for determining the amount attributable to the town of Haverhill for appropriation to the highway funds in the Woodsville fire district.

II. Ratifies the establishment of the West Ossipee fire precinct as a village district.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

PUBLIC HEARING ON SB 75

BILL TITLE: changing the formula for distribution of highway funds in the Woodsville fire district.

DATE: May 5, 2009

LOB ROOM: 201 **Time Public Hearing Called to Order:** 11:09 a.m.

Time Adjourned: 11:25 a.m.

(please circle if present)

Committee Members: Reps. Bouchard, Campbell, Cloutier, Lerandean, C. Brown, Cyr, Long, Sprague, Mann, G. Anderson, Ramsey, Chandler, Graham, Rausch, Gionet, Ingram, McConkey, Bailey, Kolodziej and Seidel.

Bill Sponsors: Sen. Reynolds, Dist 2, Rep. Ladd, Graf 5, Rep. Ingbretson, Graf 5

TESTIMONY

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

1. Y: Sen. Deborah Reynolds, prime sponsor.

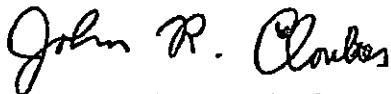
- Said SB 75, is basically an amendment to current state law in regard to appropriating highway funds to Woodsville Fire District, which is part of the Town of Haverhill. Said town is in support of bill.

2. Y: Rep. Rick Ladd, co-sponsor.

- Also Chair of the Haverhill Selectboard.
- Distributed five-page handout with information on the issues involved with SB 75.
- Village of Woodsville is so upset with the current situation in regard to allocation of highway funds that they are threatening to secede from Haverhill.
- Said all of Haverhill's other fire districts are fine with the bill. Added that the bill has unanimous support of the town's board of selectmen and other village districts. Stated that Haverhill voters at the last town meeting approved in principle SB 75, along with new distribution of funding within the town that would result from the bill's passage.

Hearing ended at 11:25 a.m.

Respectfully Submitted:



Rep. John R. Cloutier, Clerk

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

PUBLIC HEARING ON SB 75

BILL TITLE: changing the formula for distribution of highway funds in the Woodsville fire district.

DATE: 5-5-09

LOB ROOM: 201 **Time Public Hearing Called to Order:** 11:09

Time Adjourned: 11:25

(please circle if present)

Committee Members: Reps. Bouchard, Campbell, Cloutier, Lerondeau, C. Brown, Car. Legg, Sprague, Mann, G. Andersen, Ramsey, Chandler, Graham, Rausch, Gionet, Ingram, McConkey, Bailey, Kolodziej and Seidel.

Bill Sponsors: Sen. Reynolds, Dist 2 / Rep. Ladd, Graf 5 / Rep. Ingbretson, Graf 5

TESTIMONY

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

SB 75

5-5-09

(P.S.)

1. Y. Sen. Deborah Reynolds,
prime sponsor

Said SB 75, is basically
an amendment to current state
law in regard to appropriating highway
funds to Woodville Fire District, which is
part of the Town of Haverhill. Said town

is in
support
of bill

2. Y. Rep. Rick Ladd co-sponsor
Also Chair of the
Haverhill Selectboard

Distributed five-page
pamphlet with info. on the issues
involved with SB 75.

Village of Woodville
is so upset with the current
situation in regard to allocation
of highway funds that they're
threatening to secede from
Haverhill.

Said all of Haverhill's
other fire districts are fine with
the bill. Added that the bill
has unanimous support of the
Town's board of selectmen and
other village districts. Stated that
Haverhill voters at the last town
meeting approved ~~the~~ in
principle SB 75, along with
new distribution of funding within the
town that would result from its
bill's passage.

Hearing ended at

11:25 am

Rep. John R.
Coker, Clerk

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

PUBLIC HEARING ON SB 75-L Proposed Amendment

BILL TITLE: changing the formula for distribution of highway funds in the Woodsville fire district.

DATE: May 26, 2009

LOB ROOM: 201 Time Public Hearing Called to Order: 10:00 a.m.

Time Adjourned: 10:17 a.m.

(please circle if present)

Committee Members: (Reps. Bouchard, Campbell, Cloutier, Lerandeaux, C. Brown, Cyr, Long, Sprague, Mann, Ramsey, Chandler, Graham, Rausch, Gionet, Ingram, McConkey, Bailey, Kolodziej and Seidel.)

Bill Sponsors: (Sen. Reynolds, Dist 2) Rep. Ladd, Graf 5; Rep. Ingbretson, Graf 5

TESTIMONY

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

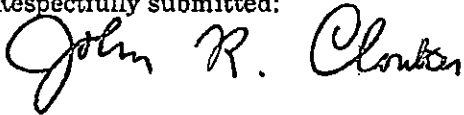
1. **Y:** Sen. Deb Reynolds, SB 75's prime sponsor.
 - Support the amendment in principle because it would help Ossipee, provided it doesn't hurt the original bill especially in a Committee of Conference.
2. **Y:** Rep. Mark McConkey, prime sponsor of Amendment #2009-1659h from Carroll County, District #3, which includes the Town of Ossipee.
 - He explained the reason for introducing the amendment, and submitted a May 18, 2009 letter from all three Ossipee selectmen in support of the amendment, which has the support of the town's entire legislative delegation.
3. **Y:** Sen. Jeb Bradley
 - Ossipee's state senator who made a brief statement in support of Rep. McConkey's testimony.
4. **Y: *** Rep. Susan Wiley of Sandwich.
 - Further testified in the amendment's favor, and submitted written testimony.

SB 75-L Proposed Amendment
Page Two

5. Y: *Paul Jay, Elected Commissioner of the West Ossipee Fire Department.
- Went into some detail about the history of the West Ossipee Fire Precinct, which is the amendment's subject.
 - Agreed to submit a written copy of his previous testimony.

Hearing ended at 10:17 a.m.

Respectfully submitted:

A handwritten signature in cursive script that reads "John R. Cloutier". The signature is written in black ink and is positioned below the typed name.

Rep. John R. Cloutier, Clerk

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

PUBLIC HEARING ON SB 75-L Proposed Amendment

BILL TITLE: changing the formula for distribution of highway funds in the Woodsville fire district.

DATE: May 26, 2009

LOB ROOM: 201 **Time Public Hearing Called to Order:** / 0:00

Time Adjourned: / 0:17

(please circle if present)

Committee Members: Reps. Bouchard, Campbell, Cloutier, Lerondeau, C. Brown, Cyr, Long, Sprague, Mann, Ramsey, Chandler, Graham, Rausch, Gionet, Ingram, McConkey, Bailey, Kolodziej and Seidel

Bill Sponsors: Sen. Reynolds, Dist 2; Rep. Ladd, Graf 5; Rep. Ingbretson, Graf 5

TESTIMONY

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

(P.1)

SB 75 - Proposed
Amendment (#2009-1659h)
S-26-09

1. Y: Sen. Deb Reynolds
Support the amendment
in principle because it would
help Orsipee, provided it doesn't
hurt the original bill especially
in a Committee of Conference

2. Y: Rep. Mark McConley, prime
sponsor of Amendment #2009-1659h,
from Carroll County, Dist #3, which
includes the Town of Orsipee
He explained the
reason for introducing the
amendment, and submitted a
S-18-09 letter from all three
Orsipee selectmen in support
of the amendment, which has
the support of the town's
entire legislation delegation.

3. Y: Sen. Jeff Bradley
Orsipee's state
senator who made a brief
statement in support of
Rep. McConley's testimony

4. Y: Rep. Susan Wiley of
Sandwich
Further testified in
the amendment in favor, and
submitted written testimony

5. Y: Paul Jay, Elected Commissioner
of the West Orsipee Fire Dept
Went into some detail
about the history of the West Orsipee
Fire Precinct, which is the amendment's subject

SB 75 Amendment

Paul Jay (Continued)

(P5)

Agreed to submit
a written copy of his
previous testimony

Hearing ended at

10:17 pm

Rep. John P. Clarke
Clerk

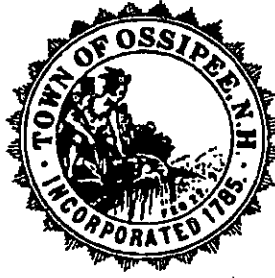
Testimony

Selectmen
Main Office & Assessing
(603) 539-4181

Water/Sewer Department
(603) 539-7150

Town Clerk/Tax Collector
(603) 539-2008

Highway Department
(603) 539-8417



55 Main Street • PO Box 67
Center Ossipee, New Hampshire 03814-0067
FAX (603) 539-4183

Recreation Department
(603) 539-1307

Incinerator
(603) 539-4121

TDD (Hearing Impaired)
(603) 539-2856

E-Mail
tossipee@verizon.net

May 18, 2009

Honorable Candace Bouchard, Chair
Public Works Committee
State House
Concord, NH 03301

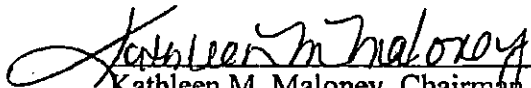
Dear Representative Bouchard,


Representative Mark McConkey who serves on the House of Public Works Committee, will be forwarding the attached amendment to remedy this historical defect in the establishment of the WOFD. The amendment is supported by Reps. John Roberts and Susan Wiley, as well as by Senator Jeb Bradley.

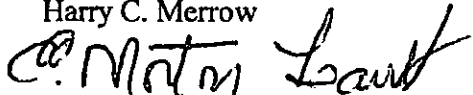
The Board of Selectmen for the Town of Ossipee is in full support of this legislature.

If you have any questions or concerns feel free to contact this office.

Very Truly Yours,


Kathleen M. Maloney, Chairman


Harry C. Merrow


E. Morton Leavitt

File

Amendment to SB 75 -

There is no documentation in records of the Town of Ossipee, the West Ossipee Fire Precinct or the N.H. Secretary of State to show that the West Ossipee Fire Precinct was established according to the requirements of RSA 52:1 through :3.

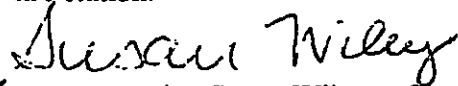
Documents in the records show that in 1941 a special town meeting was held and the voters authorized the Selectmen to borrow money for the purpose of fire extinguishment and authorized a committee of the Selectmen and four others to enter into contracts related to providing firefighting facilities in West Ossipee.

In 1978, the Ossipee Board of Selectmen followed the procedures required by RSA 52:5 to change the boundaries of the town's then three fire precincts, including the West Ossipee Fire Precinct. The boundaries were changed so that all sections of the town would be located in one of the three fire precincts. Records of the alteration of the precinct boundaries are on file in the Secretary of State's office, as required by statute.

The Town and State records indicate that between 1941 and 1978, and to the present, Town and WOFB officials and residents viewed the West Ossipee Fire Precinct as a municipal corporation properly established under the law. For nearly 70 years, the records indicate that the West Ossipee Fire Precinct elected its own officers, held annual meetings, appropriated money for firefighting and street lighting purposes, taxed precinct residents for these purposes and submitted the required budget and financial accounting forms to the New Hampshire Department of Revenue Administration.

On January 10, 2009, the annual meeting of the West Ossipee Fire Precinct approved a bond article for \$373,000 to construct a new fire station. Prior to financing approval for the project, the unqualified opinion of bond counsel was required to assure investors that the West Ossipee Fire Precinct is a properly established municipal corporation that followed all required procedures for approving project financing. When records of legal establishment under RSA Chapter 52 could not be located among the records of the town, precinct or state, bond counsel was unable to provide the necessary unqualified opinion.

Legislative action is required to ratify the intention and experience of the voters of the West Ossipee Fire Precinct that they are a separate municipal corporation (a village precinct) established for the purpose of fire extinguishment and street lighting, and to ratify the 2009 West Ossipee Fire Precinct annual meeting vote to issue bonds to finance the construction of a new fire station.



Representative Susan Wiley - Carroll County District #3
May 26, 2009

File

**TESTIMONY ON SENATE BILL 75
WEST OSSIPEE FIRE PRECINCT AMENDMENT**

Chairwoman Bouchard and Honorable Members of the Public Works Committee:

My name is Paul Jay, and I am an elected Commissioner of the West Ossipee Fire Precinct. I am testifying today to urge your support for the amendment to legalize the establishment of the West Ossipee Fire Precinct as a village district under RSA Chapter 52, and to legalize the bond warrant article approved by Precinct voters at our January annual meeting.

After the bond article passed in January, bond counsel was asked to issue an unqualified opinion to our lender that the Precinct followed all required laws and procedures in approving the bond article. Bond counsel requested documentation of the original establishment of the precinct. We searched Precinct records, Town of Ossipee records and Secretary of State records, but could find nothing to indicate that a vote was held to establish the precinct under RSA Chapter 52.

However, Town and State records show that from 1941 to the present, the Precinct, the Town and the residents of West Ossipee always considered the Precinct to be a municipal corporation properly established under the law. For nearly 70 years, the records indicate that the West Ossipee Fire Precinct elected its own officers, held annual meetings, appropriated money for firefighting and street lighting purposes, taxed precinct residents for these purposes and submitted the required budget and financial accounting forms to the New Hampshire Department of Revenue Administration.

The Ossipee Town Clerk's files show that in 1941 the Ossipee Board of Selectmen petitioned the superior court for permission to hold a special town meeting, explaining that the "Village of West Ossipee" was "without means for the extinguishment and prevention of fires" and that it was necessary to immediately provide money for the construction of buildings and the purchase of land and equipment for this purpose. According to the Town Clerk's minutes of the 1941 special town meeting, the voters authorized the Selectmen to borrow money for the purpose of fire extinguishment and to authorize a committee of the Selectmen and four others to enter into contracts related to providing firefighting facilities in West Ossipee.

Town Reports beginning in 1942-1943 list four precincts in the Town of Ossipee along with their valuations and tax rates, including the West Ossipee precinct. The 1942-43 West Ossipee tax rate was \$4.80. The 1942-1943 Town Report included a Treasurer's Report from each of the four precincts, including the "West Ossipee Fire Precinct." Each of the four precincts had a separate treasurer.

In 1978, the Ossipee Board of Selectmen followed the procedures required by RSA 52:5 to change the boundaries of the town's fire precincts, including the West Ossipee Fire Precinct. The boundaries were changed so that all sections of the town would be located in one of the

File

fire precincts. Records of the alteration of the precinct boundaries are on file in the Secretary of State's office, as required by statute.

On January 10, 2009, the annual meeting of the West Ossipee Fire Precinct approved a bond article for \$373,000 to construct a new fire station. When records of legal establishment under RSA Chapter 52 could not be located, bond counsel was unable to provide the necessary unqualified opinion to our lender.

Legislative action is required to ratify the intention and experience of the voters of the West Ossipee Fire Precinct that they are a separate municipal corporation established under RSA Chapter 52, and to ratify the annual meeting vote to issue bonds to finance the construction of the new fire station.

On behalf of the precinct's Board of Commissioners, I respectfully request your support for this amendment and thank you for conducting this hearing.

File

TOWN OF HAVERHILL

- 4 Village Districts (N. Haverhill, Hav Corner, Mtn Lakes, and Woodsville)
- 1 Police Department (Haverhill)
- 3 Fire Departments (Woodsville, Haverhill Corner, North Haverhill)
- 3 Water Districts (Woodsville, Haverhill Corner, North Haverhill)
- 4 Private Libraries with operating under their own trust funds and annual contributions from the town (Pike, N. Haverhill, Haverhill Corner, Woodsville)
- 1 5 member Selectboard (Haverhill)
- 3 Planning Boards (Town, Mtn Lakes, and Haverhill Corner)
- 2 districts/ precincts with zoning (ZBA's) and 2 without
- 2 Highway Departments (Haverhill and Woodsville)

The Woodsville Fire District, a district/precinct within the Town of Haverhill, currently maintains the roads and sidewalks in that district and receives a proportionate share of the Town of Haverhill highway budget.

This process is done in accordance with a formula set by agreement between the Fire District Commissioners and the Town of Haverhill Selectboard and established in NH Law, Chapter 37 (Originally HB 1138) May 22, 1990.

“The money appropriated for the distribution of highway funds in the district which is attributable to the Town of Haverhill shall not exceed 20% of the total amount of expenditures authorized in the town.”

Highway budget = percentage of Woodsville property valuation to the whole of Haverhill
27.7% of this is Woodsville 72.3% is Haverhill
With recent changes, i.e. Wal-Mart

Highway Bock Grant Funds from State
Population and Road Miles

HAVERHILL SELECTBOARD ADDENDUM PROPOSAL (9/16/08)
to
FIRST AMENDMENT
of
"MEMORANDUM OF UNDERSTANDING"

All sections of the First Agreement will remain the same as dated January 1995, with the exception of section 2.b that is changed to read:

b. The Board of Selectmen and the Board of Commissioners have determined that the following formula represents their best judgment and agreement as to the proper implementation of said Special Act:

The net operating budget of the Town of Haverhill Highway Department, including the budget for the Town Highway Garage, shall be divided by an annual percentage factor based upon the annual updated Woodsville Fire District property valuation percentage of the Town of Haverhill property valuation as determined from the Annual Town of Haverhill MS-1 Summary Inventory of Valuation . The resulting figure shall be the total amount of money budgeted for road maintenance by the Town of Haverhill with the annual percentage factor (determined from the above stated MS-1 report) of the total road budget returned to the Woodsville Fire District as the so-called "Woodsville Road Money" pursuant to said Special Act.

By way of example, the 2009 fiscal year budgeted amount to operate the Town of Haverhill Highway Department is \$714,774. 72.3% (based upon the 2008 MS-1) divided into \$714,774 equals \$988,622 (Total Highway Budget). The Woodsville Fire District would receive 27.7% of the Total Highway Budget) or \$273,848.

The total Highway Block Grant revenue received by the Town of Haverhill will be divided into two (2) pots of 50% each. From the population pot, the Woodsville Fire District will receive an amount of revenue based upon Woodsville's population obtained from the most recent US Census data in proportion to the entire Town population. Revenue from the second pot will be disbursed based upon Woodsville's Class V road mileage in proportion to the total Town Class V mileage.

For example, the 2008 Highway Block Grant revenue received by the Town was \$148,449. The Woodsville population is 1,081 and the total Town population is 4,416. Woodsville has 24.5% of the population. Woodsville will receive 24.5% of the first pot. ($\$74,225 \times 24.5\% = \$18,185$) Woodsville's Class V road mileage is 13.7% of the total Town road mileage. Woodsville will also receive 13.7% of the Class V road mileage from pot 2. ($\$74,225 \times 13.7\% = \$10,169$).

Based upon the above figures, the Woodsville Fire District will receive:
 $\$18,185 + \$10,169 = \$28,354$ of the Highway Block Grant distribution.

To become effective, the Haverhill Selectboard and Woodsville Commissioners must approve this agreement. The proposed change also requires statutory approval by the New Hampshire Legislature.

Revised 12/29/08 based on actual 2009 budget figures.

Woodsville Highway Reimbursement Calculation - 2009

2008 Woodsville % of Total Valuation (from MS-1) - 27.7%

Town Highway Budget 2009 - \$714,774

Formula applied - $\$714,774 \div .723 \times .277 = \$273,848$

2008 Highway Block Grant (HBG) received by Town = \$148,449

Woodsville population % of Total Town - 24.5%

$\frac{1}{2}$ HBG x Woodsville population % = \$ 18,185

Woodsville road mileage % of Total Town - 13.7%

$\frac{1}{2}$ HBG x Woodsville mileage % = \$10,169

Total HBG Distribution to Woodsville = \$28,354

Total Highway Reimbursement = $\$273,848 + \$28,354 = \$302,202$

Woodsville Town Study Group Report December 2, 2008

This is the report of the feasibility study group set up at the Woodsville Fire District's 2008 annual meeting on March 25th, 2008. The purpose of the group was to research the feasibility of Woodsville setting up a town separate from Haverhill. The main factor leading up to this research was the difficulty Woodsville was having with road funding. For some number of years, Woodsville taxpayers were concerned over the quality of some of the streets in the District and the Commissioners could not find a reasonable way to fund the extensive rebuilding required. In theory, the Town of Haverhill raises tax monies from Woodsville properties for road maintenance. These tax revenues were to be returned to Woodsville for use locally. In practice, this was not happening. In 2008, Woodsville sent approximately \$88,000 more to Haverhill for the Highway budget than was returned to Woodsville. In addition, Haverhill was not sending Woodsville a share of the state's Highway Block Grant funds representing about \$27,000 in 2008. In theory, Woodsville could keep all tax revenues for local use if it went on its own.

The study group of five local residents met monthly to see if the concept of Woodsville becoming a town on its own would work. At the same time, the Woodsville Commissioners started meeting with the Haverhill Town Manager and Selectboard to see if the road funding issues could be improved.

The study group identified revenue and expense issues using Haverhill and 5 other area towns as examples. The costs of town management, police protection, tax collection, town clerk, welfare, property assessment, voter registration and other town services were estimated. Education costs were examined by manually counting the number of Woodsville's students at each level and estimating our share of the education budget. In the end, it was determined that Woodsville would do slightly better on it's own financially if it could accept some reduction in the number of hours of local police coverage. If Woodsville's commercial development continued strongly, we might do well on our own.

The Woodsville Commissioners efforts with the Haverhill Manager and Selectboard on road funding found great success. The Haverhill folks came to the table stating that Woodsville taxpayers were part of their constituency too and that they wanted to do the right thing for us. The end result of these interactions was to revise the rules so that Woodsville will now retain all of its road funds and will be given a fair share of the NH Highway Block funding.

This committee and the Commissioners believe that the town of Haverhill's funding solution resolves the major issues of concern. This committee and the Commissioners do not recommend any further action on this project.

Sincerely,
Lawrence P. Corey

*Commissioner
Woodsville Fire District*

1990
 committee shall serve without com-
 shall receive mileage at the legis-
 committee.
 fiscal year ending June 30, 1990, is
 ched in section 1 of this act for the
 be nonlapsing. The governor is au-
 : of any money in the treasury not
 t upon its passage.

10661

ON OF BINGO GAMES.

Representatives in General Court

7, XV is repealed and reenacted

in accordance with RSA 287-E:7,
 uted on any one game date by a
 game may be run, not to exceed
 ring all 24 numbers on the card in
 at 50 and may be incremented 1
 im of 60 numbers, where it shall
 persons covering all 24 numbers
 e shall be awarded in addition to
 A 287-E:7, XIII. This progres-
 erall, with a bonus prize of up to
 24 numbers on the card are cov-
 ject to state tax under RSA 287-
 ed as part of the winner take all
 l on package games.

upon its passage.

1064)

ARE COMMUNITIES.

Representatives in General Court

read as follows:

to or were under the supervision
 nent of justice under RSA 7:19
 from the provisions of this chap-

1990)

CHAPTER 37

69

ter. However, any such facility may elect by a one-time irrevocable election to be
 subject to the provisions of this chapter by filing an application for a permanent
 certificate of authority with the commissioner.

36:2 Effective Date. This act shall take effect January 1, 1991.

[Approved March 23, 1990.]

[Effective Date January 1, 1991.]

CHAPTER 37 (HB 1138)

AN ACT TO CHANGE THE FORMULA FOR THE DISTRIBUTION OF HIGHWAY
 FUNDS IN THE WOODSVILLE FIRE DISTRICT.

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

37:1 Distribution of Highway Funds in Woodsville Fire District. Amend
 1887, 204:3, as amended by 1899, 196:2, to read as follows:

SECT. 3. Said district at each annual meeting shall elect by ballot a moderator,
 a clerk, one auditor, a treasurer, and three commissioners. All of said officers shall
 be elected by a majority vote of all the voters present and voting at the annual
 meeting. Said officers shall exercise in relation to district meetings the like
 powers to those of moderator, clerk, and selectmen of towns. The committee
 shall have within the district all the powers of the mayor and aldermen of a
 respecting highways, sidewalks, and sewers. They shall control and
 expenditure of all moneys raised under authority of the district and by the town of
 Haverhill for expenditure in the district. They shall have sole authority to appoint
 a highway surveyor in said district, and in default of such appointment shall them-
 selves perform the duties of that office. The surveyor or commis-
 ing the duties of highway surveyor in the district shall give bond
 account for all money coming into their hands, and for the proper
 of the property of the town or district which may come into their custody or
 control, and shall be deemed officers of the town. Nothing in this act shall be
 construed to impose any distinct or special liability upon the district respecting
 highways within its limits. Vacancies that may occur in the office of commissioner
 in the district shall be filled by appointment of the remaining commissioners or
 commissioner, but any commissioner appointed to fill a vacancy shall hold office
 only until the next annual district meeting. Commissioners shall be residents of
 the district. The money appropriated for the distribution of highway funds in the
 district which is attributable to the town of Haverhill shall not exceed 20 percent
 of the total amount of expenditures authorized at the town meeting.

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

[Approved March 23, 1990.]

[Effective Date May 22, 1990.]

Voting Sheets

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

EXECUTIVE SESSION on SB 75
RECESSED UNTIL MAY 26, 2009

BILL TITLE: changing the formula for distribution of highway funds in the Woodsville fire district.

DATE: May 12, 2009

LOB ROOM: 201

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. Alfred C. Lerandean

Seconded by Rep. John A. Graham

Vote: 13-0 (Please attach record of roll call vote.)

Later motion - Reconsideration

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

Moved by Rep. Mark E. McConkey

Seconded by Rep. Edmond D. Gionet

Vote: 15-0 (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. John R. Cloutier, Clerk

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

EXECUTIVE SESSION on SB 75

BILL TITLE: changing the formula for distribution of highway funds in the Woodsville fire district.

DATE: 5-12-04

LOB ROOM: 201

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. Alfred C. Lerandean

Seconded by Rep. John A. Graham

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

Later Motion → Reconsideration

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

Moved by Rep. Mark E. McConekey

Seconded by Rep. Edmond D. Gronet

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

Approved

13-0

Approved

15-0

CONSENT CALENDAR VOTE: ~~13-0~~ 15-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. John R. Cloutier, Clerk

PUBLIC WORKS AND HIGHWAYS

Bill #: SB 75 Title: Changing the formula for distribution of highway funds in the Woodville fire district.

PH Date: 05 / 05 / 09

Exec Session Date: 05 / 12 / 09

Motion: Ought to Pass

Amendment #: N/A

MEMBER	YEAS	NAYS
Bouchard, Candace C W, Chairman	✓	
Campbell, David B, V Chairman	✓	ABSENT
Cloutier, John R, Clerk	✓	
Lerandean, Alfred C	✓	
Brown, Carole M	✓	ABSENT
Cyr, James E	✓	ABSENT
Long, Patrick T	✓	
Sprague, Dale R	✓	
Mann, Maureen R	✓	
Andersen, Gene F	RESIGNED	
Ramsey, Peter E	✓	ABSENT
Chandler, Gene G	✓	
Graham, John A	✓	
Rausch, James B	✓	ABSENT
Gionet, Edmond D	✓	
Ingram, Russell F	✓	
McConkey, Mark E	✓	
Bailey, Clinton W	✓	ABSENT
Kolodziej, Walter	✓	
Seidel, Carl W	✓	

TOTAL VOTE:

Printed: 1/12/2009

13

0

PUBLIC WORKS AND HIGHWAYS

Bill #: SB 75 Title: Changing the formula for distribution of highway funds in the Woodville fire District.

PH Date: 05 / 05 / 09

Exec Session Date: 05 / 12 / 09

Motion: Reconsideration

Amendment #: N/A

MEMBER	YEAS	NAYS
Bouchard, Candace C W, Chairman	✓	
Campbell, David B, V Chairman	✓	
Cloutier, John R, Clerk	✓	
Lerandeau, Alfred C	✓	
Brown, Carole M	<u>ABSENT</u>	
Cyr, James E	<u>ABSENT</u>	
Long, Patrick T	✓	
Sprague, Dale R	✓	
Mann, Maureen R	✓	
Ramsey, Peter E	✓	
Chandler, Gene G	✓	
Graham, John A	✓	
Rausch, James B	<u>ABSENT</u>	
Gionet, Edmond D	✓	
Ingram, Russell F	✓	
McConkey, Mark E	✓	
Bailey, Clinton W	<u>ABSENT</u>	
Kolodziej, Walter	✓	
Seidel, Carl W	✓	
TOTAL VOTE:	15	0

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

EXECUTIVE SESSION on SB 75
RECONVENED FROM MAY 12, 2009

BILL TITLE: changing the formula for distribution of highway funds in the
Woodsville fire district.

DATE: May 26, 2009

LOB ROOM: 201

Amendments:

Sponsor: Rep. John A. Graham, Moved OLS Document #: 2009 1659h

Sponsor: Rep. Patrick T. Long, Seconded OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Mark E. McConkey

Seconded by Rep. Walter Kolodziej

Vote: 15-0 (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: 15-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. John R. Cloutier, Clerk

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

EXECUTIVE SESSION on SB 75

BILL TITLE: changing the formula for distribution of highway funds in the Woodsville fire district.

DATE: May 26, 2009

LOB ROOM: 201

Amendments:

Sponsor: Rep. *John A. Graham, moved* OLS Document #: 2009-1659h

Sponsor: Rep. *Patrick T. Long, seconded* OLS Document #:

Sponsor: Rep. OLS Document #:

*Approved by
unanimous voice
Vote*

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

Moved by Rep. *Mark E. McConkey*

Seconded by Rep. *Walter Kolodziej*

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

*Approved
15-0*

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: *15-0 (Yes)*

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. John R. Cloutier, Clerk

PUBLIC WORKS AND HIGHWAYS

Bill #: SB75 Title: Changing the formula for distribution of highway funds in the Woodville fire district.

PH Date: 05 / 05 / 09

Exec Session Date: 05 / 26 / 09

Motion: Ought to Pass w/Amendment

Amendment #: 2009-1659h

MEMBER	YEAS	NAYS
Bouchard, Candace C W, Chairman	✓	
Campbell, David B, V Chairman	~ ~ ~ ~ ~ ABSENT ~ ~ ~ ~ ~	
Cloutier, John R, Clerk	✓	
Lerandeau, Alfred C	✓	
Brown, Carole M	✓	
Cyr, James E	~ ~ ~ ~ ~ ABSENT ~ ~ ~ ~ ~	
Long, Patrick T	✓	
Sprague, Dale R	✓	
Mann, Maureen R	✓	
Ramsey, Peter E	✓	
Chandler, Gene G	✓	
Graham, John A	✓	
Rausch, James B	✓	
Gionet, Edmond D	~ ~ ~ ~ ~ ABSENT ~ ~ ~ ~ ~	
Ingram, Russell F	✓	
McConkey, Mark E	✓	
Bailey, Clinton W	~ ~ ~ ~ ~ ABSENT ~ ~ ~ ~ ~	
Kolodziej, Walter	✓	
Seidel, Carl W	✓	

TOTAL VOTE:
Printed: 4/1/2009

15 0

Committee Report

COMMITTEE REPORT

COMMITTEE: Public Works and Highways

BILL NUMBER: SB75

TITLE: Changing the formula for distribution of highway funds in the Woodville fire district.

DATE: 5-12-09 CONSENT CALENDAR: YES NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.
N/A

STATEMENT OF INTENT:

Multiple horizontal lines provided for writing the statement of intent.

COMMITTEE VOTE: 13-0

RESPECTFULLY SUBMITTED,

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

Rep. Alfred C. Lerondeau
For the Committee

CONSENT CALENDAR

June 3, 2009

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on PUBLIC WORKS AND HIGHWAYS to
which was referred SB75-L,

AN ACT changing the formula for distribution of
highway funds in the Woodsville fire district. Having
considered the same, report the same with the following
amendment, and the recommendation that the bill
OUGHT TO PASS WITH AMENDMENT.

Rep. Candace C W Bouchard

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	PUBLIC WORKS AND HIGHWAYS
Bill Number:	SB75-L
Title:	changing the formula for distribution of highway funds in the Woodsville fire district.
Date:	May 26, 2009
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

By unanimous vote of the Public Works and Highways Committee moves O.T.P. on SB 75 as amended. This legislation provides a formula to determine the amount attributable to the Town of Haverhill for appropriation to the highway funds in the Woodsville Fire District. The amendment ratifies the establishment of the West Ossipee fire precinct as a village district. Between 1941 and the present, state, town and West Ossipee fire precinct viewed the WOFD as a municipal corporation properly established. This amendment legalizes, ratifies and confirms this fact.

Vote 15-0.

Rep. Candace C W Bouchard
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

PUBLIC WORKS AND HIGHWAYS

SB75-L, changing the formula for distribution of highway funds in the Woodsville fire district.
OUGHT TO PASS WITH AMENDMENT.

Rep. Candace C W Bouchard for **PUBLIC WORKS AND HIGHWAYS**. By unanimous vote of the Public Works and Highways Committee moves O.T.P. on SB 75 as amended. This legislation provides a formula to determine the amount attributable to the Town of Haverhill for appropriation to the highway funds in the Woodsville Fire District. The amendment ratifies the establishment of the West Ossipee fire precinct as a village district. Between 1941 and the present, state, town and West Ossipee fire precinct viewed the WOFP as a municipal corporation properly established. This amendment legalizes, ratifies and confirms this fact. Vote 15-0.

Original: House Clerk
Cc: Committee Bill File

SB 75 changing the formula for distribution of highway funds in the Woodsville fire district.

By unanimous vote of the Public Works and Highways Committee moves O.T.P. on SB 75 as amended. This legislation provides a formula to determine the amount attributable to the Town of Haverhill for appropriation to the highway funds in the Woodsville Fire District. The amendment ratifies the establishment of the West Ossipee fire precinct as a village district. Between 1941 and the present, state, town and West Ossipee fire precinct viewed the WOFP as a municipal corporation properly established. This amendment legalizes, ratifies and confirms this fact.

Rep. Candace W. Bouchard
For the Committee

CWB

5/24/07

SB 75 changing the formula for distribution of highway funds in the Woodsville fire district.

By unanimous vote of the Public Works and Highways Committee moves O.T.P. on SB 75.* This legislation provides a formula to determine the amount attributable to the Town of Haverhill for appropriation to the highway funds in the Woodsville Fire District. The amendment ~~demonstrates that~~ ratifies the establishment of the West Ossipee fire precinct as a village district. Between 1941 and the present, state, town and West Ossipee fire precinct viewed the WOPF as a municipal corporation properly established. This amendment legalizes, ratifies and confirms this fact.

Rep. Candace W. Bouchard
For the Committee

* An amendment

By UNANIMOUS vote of the Public Works Committee ^{+ Highway}
moves O.T.P. on SB 76: This legislation
~~to~~ provides a formula to determine the
amount of ATTRIBUTABLE to the Town of
Haverhill for appropriation to the highway
funds in the Woodsville fire District
~~and~~ Ratifies the establishment of the
West Ossipee fire precinct as a
Village District. ~~The Town records~~

Shows that the town held a court-approved
Special town meeting in 1941 for the
purpose of fire protection in the
"Village"
of West Ossipee.

The Amendment demonstrates
that
~~Indicates that~~ Between 1941 and the
present ~~date~~ state, Town and West
Ossipee Fire Precinct viewed the WOFD
as a municipal corporation properly
established. ~~This~~ This Amendment
legalizes, ~~ratifies~~ Ratifies and confirms
this fact.

— C. W. Bouchard 5/26/09

SB 414 - AS AMENDED BY THE SENATE

03/05/2020 0862s

2020 SESSION

20-2986
06/03

SENATE BILL **414**

AN ACT relative to roads within the Woodsville Fire District.

SPONSORS: Sen. Giuda, Dist 2; Rep. Ladd, Graf. 4; Rep. Ruprecht, Graf. 15

COMMITTEE: Transportation

AMENDED ANALYSIS

This bill:

- I. Deletes the authority of the Woodsville fire district over highways within the district.
- II. Requires the town of Haverill to assume responsibility for the care and maintenance of roads within the Woodsville fire district.
- III. Requires the Woodville fire district to provide a financial audit of all funds received from the town of Haverhill.

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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT relative to roads within the Woodsville Fire District.

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

1 1 Town of Haverhill; Woodsville Fire District. Amend 1887, 204:3, as amended by 1899, 196:2;
2 1990, 37:1; and 2009, 147:1 to read as follows:

3 SECT. 3. Said district at each annual meeting shall elect by ballot a moderator, a clerk, one
4 auditor, a treasurer, and three commissioners. All of said officers shall be elected by a majority vote
5 of all the voters present and voting at the annual meeting. Said officers shall exercise in relation to
6 district meetings the like powers to those of moderator, clerk, and selectmen of towns. The
7 commissioners shall have within the district all the powers of the mayor and aldermen of any city
8 respecting ~~[highways,] sidewalks[.]~~ and sewers. They shall control and direct the expenditure of all
9 moneys raised under authority of the district and by the town of Haverhill for expenditure in the
10 district. ~~[They shall have sole authority to appoint a highway surveyor in said district, and in
11 default of such appointment shall themselves perform the duties of that office. The surveyor or
12 commissioners performing the duties of highway surveyor in the district shall give bond to the town
13 to account for all money coming into their hands, and for the proper care and custody of the property
14 of the town or district which may come into their custody or control, and shall be deemed officers of
15 the town. Nothing in this act shall be construed to impose any distinct or special liability upon the
16 district respecting highways within its limits.]~~ Vacancies that may occur in the office of
17 commissioner in the district shall be filled by appointment of the remaining commissioners or
18 commissioner, but any commissioner appointed to fill a vacancy shall hold office only until the next
19 annual district meeting. Commissioners shall be residents of the district. ~~[The money appropriated
20 for the distribution of highway funds in the district which is attributable to the town of Haverhill
21 shall be determined by a fraction, the numerator of which shall be the assessed valuation of the
22 properties in the district, and the denominator of which shall be the assessed valuation of the
23 properties in the entire town of Haverhill as determined annually from the town MS 1 form. The
24 town of Haverhill shall appropriate the percentage represented by such fraction for distribution to
25 the highway fund in care of the Woodsville fire district commissioners.]~~ ***The town of Haverhill
26 shall be responsible for the care and maintenance of all roads within its boundaries,
27 including all precincts and districts. Highway block grant funds shall be distributed in
28 accordance with the department of transportation formula, and all other appropriations
29 shall be as directed by warrant articles duly voted by the voters present and voting at each
30 annual Haverhill town meeting.***

SB 414 - AS AMENDED BY THE SENATE

- Page 2 -

1 2 Financial Audit Requirement. No later than one year after the effective date of section 1 of
2 this act, the Woodsville fire district shall provide a financial audit by a certified public accountant
3 approved by the department of revenue administration that is compliant with generally accepted
4 accounting practices (GAAP), of all funds received from the town of Haverhill and all other sources
5 including state and federal funds, from January 1, 2015 to the effective date of section 1 of this act,
6 as directed by the department of revenue administration. The department of revenue
7 administration must approve the scope of the audit and shall receive monthly updates from the
8 certified public accountant and the Woodsville fire district on the status of the audit while it is in
9 progress. The results of the audit shall be published on the town of Haverhill website within 60 days
10 of delivery by the certified public accountant to the Woodsville fire district and the department of
11 revenue administration. The audit shall be at the expense of the Woodsville fire district.
12 Reimbursement of any expenses related to the audit incurred by the department of revenue
13 administration shall be in accordance with the provisions of RSA 21-J:22. The department of
14 revenue administration may levy a fine of \$250 per day against the Woodsville fire district for every
15 day of noncompliance with this act beyond one year from the effective date of this act. The
16 commissioner may waive such fine at his or her discretion, subject to the good faith efforts of the
17 Woodsville fire district to comply with all relevant laws and the provisions of this act.

18 3 Effective Date. This act shall take effect upon its passage.

Senate Transportation Committee
Sonja Caldwell 271-2117

SB 414, changing the formula for the distribution of highway funds in the Woodsville fire district.

Hearing Date: January 21, 2020

Members of the Committee Present: Senators Watters, Birdsell, Hennessey, Levesque and Ward

Members of the Committee Absent : None

Bill Analysis: This bill changes the formula for the distribution of highway funds in the Woodsville fire district so that the amount equals the district's percentage of the town's net highway operating budget, when calculated as the percentage of the class V road mileage in the district compared to the class V road mileage of the entire town.

This bill also provides for the fire district to receive a proportionate share of state highway block grant funds.

Sponsors:

Sen. Giuda

Rep. Ladd

Rep. Ruprecht

Who supports the bill: Sen. Giuda, Brigitte Codling (Haverhill Town Manager), Darwin Clogston (Chair Board of Selectmen), Howard Hatch (Selectboard), Michelle Levell, Rep. Rick Ladd, Susan Olsen, Robert Clegg

Who opposes the bill: Paul Kidder (Woodsville), Steve Wheeler (Woodsville), Richard Guy (Woodsville)

Who is neutral on the bill:

Summary of testimony presented:

Sen. Giuda

- Haverhill has a precinct structure. This bill was requested by the municipality, specifically the board of selectmen, to revisit the issue of apportionment of highway revenues.
- At a public hearing in Haverhill, it became evident there is disagreement between a precinct and the town. This issue is one that has significant impact financially on the town and the precinct.
- The municipality wants the formula changed.
- The precinct wants the formula to remain as it is.

Rep. Ladd – represents Haverhill.

- In 2009, Sen. Reynolds and himself introduced a bill to redo the same formula we're looking at today. As a result of that formula, some concerns have come to the surface. This is nothing new.
- This statute was introduced back in the 1800's and has gone forward with changes.
- He has been Chair of the Select board and can see that perspective but there is another perspective.
- The districts within in Haverhill have elected officials as well.
- Haverhill has 4 village districts: Haverhill Corner, North Haverhill, Woodsville, and Mountain Lakes.
- Haverhill has 1 selectboard with five members, 1 police department, 3 independent fire departments by statute funded by the town, 2 districts with zoning, 2 districts without zoning, town zoning, 3 planning boards, and 2 highway departments.
- Highway/road funding is set by statute.
- The question here is how we fund the two highway departments.
- A certain percentage goes to Woodsville to run their highway dept. based on property valuation. They also get highway block revenues from the state.
- The formula that the legislature adopted in 2009 based it on the percentage of assessed valuation of properties in Woodsville compared to assessed valuation town wide and a proportionate share of highway block grant funds received by the town in the previous year based on the population and road mileage of the district compared to the same for the entire town of Haverhill.
- This bill proposes that the formula be based on road mileage (class V), and that highway block money be disbursed in accordance with state methodology.

Brigitte Codling – Haverhill Town Manager.

- She has researched how they fund the Woodsville fire district. In 1990, there was a request to revise how they would be funded. The town and precinct sought to clarify the process via a memorandum of understanding (MOU). The MOU was modified again five years later so Woodsville would get more money from the town. In 2008, the MOU was amended again. Each time, it was a majority of Woodsville residents on the commission and selectboard. They did not truly speak to the law that was in place.
- In 2009 there was a request to revise the legislation. It was to solidify what had been negotiated in the MOU. Woodsville has 70% of the use of the police force from Haverhill and 70% of the assistance. With the highway funding, they had been funded between 23-25% of town of Haverhill's highway money. They only have 10% of all the roads. That was well beyond the intent of the original law.
- The current selectboard has 5 members, none of whom live in Woodsville. They are concerned about the distribution of highway funding. The board felt it was inequitable. More money is being funded to Woodsville than is reasonable for them to maintain their roads and the rest of Haverhill is paying for that. The

general funding of services within Haverhill isn't always dollar for dollar what you put in.

Sen. Levesque asked how many miles of road they have to maintain.

Ms. Codling said that in Haverhill, outside the Woodsville precinct boundaries, there is a little over 72 miles of road to maintain. 25.99 miles of that is pavement and 46.48 miles of that is gravel.

In Woodsville, there is 7.65 miles of paved road and .66 miles of gravel. The town maintains gravel roads in the summer.

90% of the Haverhill Highway Department maintains roads and 10% of roads are in Woodsville.

Sen. Watters asked if since they've been doing funding over an MOU, is there anything that prevents the town from developing an MOU that reflects this new formula rather than having the legislature pass a law.

Ms. Codling said the state law from 2009 solidified the formula they had established. The selectboard voted to pursue the bill.

Darwin Clogston – Chair of Haverhill Selectboard

- The issue of roads and distribution of money has been divisive for years.
- Legislation in 2009 didn't do as expected. It is unfair and needs to be addressed.
- The board voted unanimously to pursue changes to make it fair and equitable.
- This proposal gives every road mile equal status. The legislation will call for using DOT numbers. This is how road money is paid to Haverhill.
- To the families, it is a lot of money directed to one village to the detriment of all the others. Haverhill residents believe in paying their fair share. It shouldn't matter which village one is from.

Richard Guy - Commissioner for the Precinct of Woodsville

- The Town of Haverhill hasn't made an effort to evaluate the financial and practical needs of the Woodsville district regarding road maintenance.
- This bill is expected to reduce funding to Woodsville from \$350,000 to \$121,000, which will cause a 260% tax increase.
- It was agreed by most participants that splitting the two departments and their funding would be easiest. Having the town and the district each pay their own highway expenses independently would be easiest.
- The existing law and MOU were developed cooperatively to fairly distribute highway dollars.
- This bill will require residents of Woodsville to pay for their roads and Haverhill's roads. District taxpayers contribute 23% of all local revenue to the town. That same amount comes back to Woodsville. Woodsville has to raise additional funds to fully fund their road needs. They are not asking for anything from Haverhill taxpayers. They want the money raised by Woodsville returned to Woodsville.

Sen. Watters asked if the difference is that if they're funded on population, then the contribution from the taxpayers would be 23.7%.

He responded that it is 23.6% based on valuation only.

Sen. Watters asked if the difference is that if the formula is changed to a percentage of total miles they would be down to about 10%.

He responded that if you use their way of calculating it, Woodsville miles are 9.1. If it was only based on miles and all roads in Haverhill were the same cost to maintain then that would be reasonable. They have 9 miles of road and if they got the \$10,000 per mile that would be a \$90,000 return to Woodsville. Their total budget is \$450,000.

Sen. Watters asked what the relationship is between costs of maintenance per mile in Woodsville vs. the rest of the community.

He said \$10,000 per mile is the cost for the rest of the community. The majority are gravel roads. Their road expenses are related to highway dept. responsibilities for underground storm drain systems. The roads are old so they have a program where every three years they rebuild an entire side street.

Paul Kidder - The Town paid \$210,000 to Woodsville fire district. They had to make up the difference in the \$400 plus thousand. They didn't seek Woodsville's input on this bill. He believes it is an unfair road comparison as Woodsville roads are more expensive to maintain.

Steve Wheeler - The town took insurance out of their net highway budget. Woodsville still has to pay their highway insurance. He talked about the age of the sewer lines contributing to the cost of maintaining their roads in Woodsville.

Bob Clegg

- Woodsville has enterprises but he's not sure who owns them as he can't obtain the information.
- The sewer and water is a private enterprise under the roads.
- State money can't be spent on private enterprises, only on roads.
- He owns four historic homes he is trying to restore. He lives in Haverhill corner where they have a precinct tax.
- Woodsville has a zero precinct tax.
- Woodsville has an electricity enterprise fund.
- There is a Walmart in Woodsville. The biggest user of police is Walmart.
- He thinks Woodsville is ahead in terms of dollar for dollar.
- All of the MOU's were negotiated by people who lived in Woodsville and benefited from them.
- Woodsville has the ambulance service that everyone pays for.
- The legislature wasn't fully aware of what was really going on. Woodsville has been overpaid over the years at the expense of everyone else.
- This bill is asking the state to undo what they did. He said it's the only way to fix it.

- He believes the Woodsville district is not interested in working with the rest of the town to renegotiate.

sc

Date Hearing Report completed: January 24, 2020

Testimony of Brigitte M. Codling, Town Manager
before the Senate Committee
on January 13, 2021

RE: 2021 Senate Bill 26 changing the distribution of highway funds to the Woodsville Fire District.

The Woodsville Fire District aka Woodsville Precinct was formed in 1887 via legislation, which is when the district's responsibility over highways within the fire district boundaries began.

In March 1990 there was a request for revision to the legislation for the distribution of highway funds to the Woodsville Fire District; HB 1138 was introduced and approved, amended to add the following:

"The money appropriated for distribution of highway funds in the district which is attributed to the Town of Haverhill shall not exceed 20 percent of the total amount of expenditures authorized at town meeting."

Also, in 1990 there was a desire of the Woodsville Fire District to extend its sewer lines to allow additional entities to hook up to municipal sewer. Discussions between the Town and the District over the sewer extension ensued; which led to discussions over maintenance of the roads and a need to expand the Woodsville Fire Districts boundaries to accommodate the changes.

In 1990, petitions were filed in favor and in protest of the expansion, and a public hearing was held on May 30, 1990. At the public hearing a resident by the name of Carol Hastings asked, "will the taxpayers...be voting to decide on the expansion" to which she was told "No". At that same public hearing another resident, Roland Moore expressed his concern "that it was up to three people to decide." Also, at that same public hearing Carol Hastings asked if "there had been any input from the lower end of town?" to which she was again told "No".

The Select Board with no public vote and against opposition, decided to relinquish the few miles of Town road to the Woodsville Fire District and allow the expansion of the district boundaries so they could extend their sewer line.

Subsequently, there were negotiations between the Woodsville Fire District and the Town of Haverhill Selectmen who entered a Memorandum of Understanding (MOU) for the purpose of "*clarifying the intent*" of HB 1138. During the negotiations there were concerns raised that "*in the past it has been limited to just proportionate share of the highway department operating budget, but Precinct Commissioners believe that it should also include the maintenance of the highway garage, capital expenditures, equipment purchases, and road construction projects.*"

The MOU once drafted, included these expenditures by the town. The provisions were clearly outside the limit set by the law and created great inequity in the application of the law for taxpayers of Haverhill who resided outside the boundaries of the Woodsville Fire District.

It is important to note that the three person Select Board in May of 1990 consisted of two Woodsville Fire District residents; with the three Woodsville Fire District being from Woodsville this meant that five of the six individuals making decisions related to the boundary expansion, the request for a modification to highway funding law, and who negotiated the MOU were residents of Woodsville.

In January 1995, the Woodsville Fire District Commissioners and the Town of Haverhill Selectmen negotiated a modification to the Memorandum of Understanding (MOU) to establish a formula by which the highway funding would be calculated. This modification established a formula that created a disproportionate amount of money to be sent to the Woodsville Precinct for its roads. The modification moved even further from the intent of the law and exasperated inequity in the application of the law.

It is important to note that the three person Select Board in 1995 consisted of two Woodsville Fire District residents; with the three Woodsville Fire District being from Woodsville this meant that five of the six individuals who negotiated modifications to the MOU were residents of Woodsville.

In October 2008, the Woodsville Fire District Commissioners and the Town of Haverhill Selectmen negotiated additional modifications to the Memorandum of Understanding (MOU); the purpose being to amend the formula by which the highway funding would be calculated. The modification moved even further from the intent of the law and further exasperated inequity in the application of the law.

In June 2009, there was another request for revision to the legislation for the distribution of highway funds to the Woodsville Fire District; SB 75 was introduced and approved, amended to read:

~~"[not exceed 20 percent of the total amount of expenditures authorized at the town meeting] be determined by a fraction, the numerator of which shall be the assessed valuation of the properties in the district, and the denominator of which shall be the assessed valuation of the properties in the entire town of Haverhill as determined annually from the town MS-1 form. The town of Haverhill shall appropriate the percentage represented by such fraction for distribution to the highway fund in care of the Woodsville fire district commissioners. The district shall also receive a proportionate share of the state highway block grant funds received by the town in the previous year based on the population and road mileage of the district compared to the population and road mileage of the entire town of Haverhill."~~

This change to the law solidified the erroneous calculation by which the highway funding would be calculated.

It is important to note that the five person Select Board in 2009 consisted of two Woodsville Fire District residents and the three Woodsville Fire District Commissioners were from Woodsville; meaning five of the eight officials supporting SB 75 were from Woodsville.

It is also important to note that at the Senate Committee Hearing held on February 5, 2009 that it was stated by Rep Ladd that "Woodsville has about 70 percent of the use of the police, general assistance, is about 70 percent". These are services publicly funded through general taxation of all residents regardless of where they reside within the Town.

Also in the Constitution of the State of New Hampshire ART 3: When men enter into a state of society, they surrender up some of their natural rights to that society.

In January 2020, there was a request made by the Town of Haverhill Select Board asking for a revision to the legislation for the distribution of highway funds to the Woodsville Fire District; SB 414 was introduced amended to read:

~~" [The money appropriated for the distribution of highway funds in the district which is attributable to the town of Haverhill shall be determined by a fraction, the numerator of which shall be the assessed valuation of the properties in the district, and the denominator of which shall be the assessed valuation of the properties in the entire town of Haverhill as determined annually from the town MS-1 form.] The town of Haverhill shall appropriate [the percentage represented by such fraction] for distribution to the highway fund in care of the Woodsville fire district commissioners an amount equal to the Woodsville fire district's percentage of the town's net highway operating budget, when calculated as the percentage of the class V road mileage in the district as compared to the class V road mileage of the entire town of Haverhill inclusive of all districts and precincts. [The district shall also receive a proportionate share of the state highway block grant funds received by the town in the previous year based on the population and road mileage of the district compared to the population and road mileage of the entire town of Haverhill] The town shall also appropriate to the district a proportionate share of the population and a proportionate share of the road mileage apportionments that make up the state highway block grant funds received by the town in the previous year based on the percentage of the population in the district compared to~~

the population in the entire town of Haverhill, inclusive of all districts and precincts, and the percentage of the class V road mileage in the district as compared to the class V road mileage in the entire town of Haverhill inclusive of all districts and precincts. For purposes of this section,

Continued on next page...

I. "Highway operating budget" means the budget approved by the town to provide highway services, excluding amounts appropriated into or out of capital reserve funds or trust funds, amounts appropriated in special warrant articles, amounts appropriated by federal grants or awards designated for a specific project, amounts awarded by the state for specific projects, health insurance premiums paid by the town for highway employees, and excluding any amounts expended without appropriation from capital reserve funds or trust funds by agents authorized to expend such funds.

II. "Net highway operating budget" means only that portion of the highway operating budget to be raised by general property taxation from all Haverhill property taxpayers regardless of district or precinct based on property values as determined by town of Haverhill assessment."

This requested revision to the law will correct the inequity that was established by Memorandum of Understanding (MOU) dated 1990, amended in 1995 and 2008; as well as the inequity established by law in 2009; will clarify the meaning and intent of the law, and make the funding formula fair and equitable to all resident tax payers throughout the Town of Haverhill.

It is important to note that the five person Town of Haverhill Select Board now consists of five individuals, who all live outside the boundaries of Woodsville within the Town of Haverhill. This board is acting in good faith of all resident tax payers in Haverhill and have unanimously voted to request this modification.

The formula as it stands today is rather complicated, but in general, it has two parts:

- The first part provides the Woodsville Fire District a sum of money equivalent to, between **23-25 percent** of the Town of Haverhill's Highway Department budget. This part of the calculation is based upon a ratio of property values and a ratio of population.
- The second provides the Woodsville Fire District a sum of money equivalent to, consistently **18.84 percent** of the Highway Block Grant: This part of the calculation is based upon a ratio of population and a ratio of Class V road mileage.

After analyzing all information, it became evident that the current funding formula does not appear equitable to all resident tax payers throughout the Town of Haverhill.

- Within the boundaries of the Woodsville Precinct there are **8.306 miles (7.65 paved & 0.66 gravel)** of Class V roadway to maintain. These miles are maintained by the Woodsville Highway Department.
- Within the rest of the Town of Haverhill there are another **72.380 miles (25.89 paved & 46.48 gravel)** of Class V roadway to maintain. These miles are maintained by the Haverhill Highway Department.
- The Town of Haverhill Highway Department has historically graded the Woodsville Fire District's gravel road mileage free of charge.

This means that the Woodsville Precinct has essentially **10 percent** of Haverhill Class V roads to maintain, less their gravel in the summer. Yet, they receive, on average **27.36 percent** of all highway monies raised.

When we compared the two department's highway budgets for 2019 the difference is stark.

- The 2019 operating budget for the Woodsville Highway Department was **\$422,950.00**; that is a rate of **\$50,592.11 per mile**.
- The 2019 operating budget for the Haverhill Highway Department was **\$699,511.00**; that is a rate of **\$9,640.45 per mile**.

For comparison; the Town of St Johnsbury, VT whose road network is very similar to those found within the Woodsville Fire District report a cost of \$28,000 per mile; to include the maintenance of roads, water & sewer, drainage, and sidewalks. Additionally, it has been reported that the average cost within the State of New York for maintenance of its municipal roads is \$25,000 per mile.

The Woodsville Fire District funds its very expense highway department using monies provided to it by the Town of Haverhill as well as using their own "enterprise funds"; the district aka precinct, has not assessed a precinct tax in (4) four years yet have been purchasing property and equipment not reflected in their annual budget.

Through December 2019 the Town of Haverhill met with the Woodsville Fire Precinct to discuss the possible merger of the two highway departments. The effort has tremendous support within the Town of Haverhill, especially from residents who live outside the Woodsville Fire District. However, there are a lot of residents in Woodsville who also support a merger. A recent public opinion poll showed sixty-seven (67%) of Haverhill resident tax payers support a highway department merger. The Woodsville Fire District Commissioners recently stated in an interview for one of the local newspapers that they "do not endorse this concept (merger) in any way, shape, or form."

NOTE: To hear the entire testimony given at this hearing you can go to:

http://www.gencourt.state.nh.us/senateaudio/committees/2020/Trans/SB0414_01212020.asx

THE STATE OF NEW HAMPSHIRE

GRAFTON, SS

SUPERIOR COURT

Woodsville Fire District

vs.

Town of Haverhill

**VERIFIED PETITION FOR DECLARATORY JUDGMENT AND
REQUEST FOR EXPEDITED HEARING**

NOW COMES Petitioner, Woodsville Fire District, by and through its counsel, Devine, Millimet & Branch, Professional Association, and submits the within Petition against the Respondent, Town of Haverhill, and states in support thereof as follows:

Parties

1. The Town of Haverhill, NH ("Haverhill" or "the Town") is a municipal corporation with a mailing address of 2975 Dartmouth College Highway, North Haverhill, NH 03774.
2. The Woodsville Fire District ("the District") is a municipal corporation with an address at 4910 Dartmouth College Highway, Woodsville, NH 03785. The District comprises a physical region within the Town of Haverhill.
3. The Commissioners of the District ("Commissioners") are elected at an annual meeting. The Commissioners have, within the District, all of the powers of the Mayor and aldermen respecting highways, sidewalks and sewers. For that purpose, the Commissioners are empowered to control and direct expenditure of all monies raised under the direction of the District and by the Town of Haverhill for expenditure in the District.

JURISDICTION AND VENUE

4. Jurisdiction for this matter is vested in the Superior Court pursuant to RSA 491:22, RSA 491:7 and RSA 498:1.

5. Venue is appropriate in the Grafton County Superior Court under RSA 507:9 as both parties reside in Grafton County and the cause of action arises in that county.

FACTS

6. Haverhill provides the District with funds to help maintain the highways, roads, sidewalks and storm drains within its boundaries.

7. The allocation of funds takes place pursuant to a formula enacted by the legislature in 2009:

“The money appropriated for the distribution of highway funds in the district which is attributable to the Town of Haverhill shall be determined by a fraction, the numerator of which shall be the assessed valuation of the properties in the district, and the denominator of which shall be the assessed valuation of the properties in the entire Town of Haverhill as determined annually for the Town MS-1 form. The Town of Haverhill shall appropriate the percentage represented by such fraction for distribution to the highway funds in the care of the Woodsville fire district commissioners.”

New Hampshire laws 2009, 147:1 (“2009 Legislation”), (Exhibit 1 attached hereto).

8. The 2009 Legislation reflected a compromise agreement which satisfied the competing interests of the relative stakeholders, including Haverhill and the District.

9. As reflected in the legislative history, it was the intent of the 2009 Legislation that Haverhill provide the District with a share of Haverhill’s total highway budget that corresponded to the percentage of Haverhill’s total taxable property that is located within the District. (Exhibit 2).

10. The District's share of the taxable property in Haverhill reflects its disproportionate share of the taxable improvements to real estate in the Town. This comes with a larger share of the Town's population, qualitatively different and greater amounts of municipal infrastructures such as highways, roads, sidewalks and storm drains, and increased utilization of that municipal infrastructure.

11. Simply put, the highways, roads, sidewalks and storm drains are quantitatively, and qualitatively different than that in the rest of Haverhill. For example, many of the roads in Haverhill are unpaved, while that is not the case in the District.

12. The 2009 Legislation reflected the special requirements and increased needs of the highways constructed and maintained by the District.

13. As reflected in the legislative history, the 2009 Legislation was also intended to correct inequities created by the previous highway funding formula which capped the District's share of Haverhill's highway funds at 20% of the total taxable property in the Town. (Exhibit 2). This had become unfair because the District's percentage of Haverhill's total taxable property had grown to be in excess of 20%. In effect, the taxpayers in the District were subsidizing the highways in the rest of the Town.

14. The 2009 Legislation also determined a formula for the allocation of the District's share of the State Highway Block Funds received by Haverhill. The allocation of the State Highway Block Funds is not presently in dispute between Haverhill and the District.

15. In furtherance of the 2009 Legislation, Haverhill and the District amended the existing Memorandum of Understanding ("Amended MOU") to reflect the new formula.

"The net operating budget for the Town of Haverhill Highway Department, including the budget for the Town Highway Garage, shall be divided by an annual percentage factor based on the annual updated Woodsville Fire District property valuation percentage of the Town of Haverhill property valuation as determined

from the Annual Town of Haverhill MS-1 Summary Inventory of Valuation. The resulting figure shall be the total amount of money budgeted for road maintenance of the Town of Haverhill with the annual percentage factor (determined from the above stated MS-1 report) of the total road budget returned to the Woodsville Fire District as the so-called "Woodsville Road Money" pursuant to said Special Act."

(See attached Exhibit 3).

16. In the Amended MOU, the operation of the 2009 Legislation formula was illustrated in order to dispel any doubts on the matter:

"By way of example, the 2009 fiscal year budgeted amount to operate the Town of Haverhill Highway Department is \$714,774. 72.3% (based on the 2008 MS-1) divided into \$714,774 = \$998,622 (total highway budget). The Woodsville Fire District would receive 27.7% of the Total Highway Budget or \$273,848."

(Exhibit 3).

17. Simply put, Haverhill's highway budget and its contribution to the District's highways, when combined, constitute the Total Highway Budget. In this example, 72.3% of that budget is allocated to Haverhill with the balance of 27.7% going to the District. In practice, Haverhill sets its highway budget and then the District's allocation is generated as a function of Haverhill's Highway Budget pursuant to the 2009 legislative formula.

18. The Amended MOU also addressed the method of allocation of funds received by Haverhill by the State of New Hampshire Highway Block Grant. Once again, this aspect of the funding formula does not appear to be in dispute.

19. In the period 2009 through most of 2019, Haverhill conducted itself according to the 2009 Legislation and Amended MOU. On a quarterly basis, it paid the District a share of the Total Highway Budget corresponding to the percentage of the Town's total taxable property that was located within the District.

20. The appropriate quarterly payments continued up until the fourth quarter of 2019 when Haverhill failed to make its fourth quarterly payment of \$70,632 as customary in December 2019.

21. Based on Haverhill's 2019 Highway Budget of \$699,511 and the fact that 23.16% of Haverhill's total taxable property lies in the District, the District should have been paid \$252,745 under the portion of the 2009 legislative formula based on the District's share of Haverhill's taxable property plus an additional \$29,786 for its share of the New Hampshire Highway Block Grant for a total of \$282,531. (See Exhibit 4). Indeed, that number is reflected on the Haverhill 2019 Budget as the "HW Woodsville Hwy. Reimb." (Exhibit 5).

22. However, despite \$282,531 being due to the District in 2019, Haverhill paid only \$211,989 and, despite demand, it has failed to compensate the District for this deficiency.

23. In addition, the figure \$699,511 which had been understood to represent the Haverhill Highway Budget, and which provided the basis for the amount believed to be due to the District in 2019, did not include the price of a new payloader which Haverhill purchased for its own use in 2019.

24. Despite demand, Haverhill has never provided the District with the cost of the payloader, which is estimated to be in the range of \$150,000. When the cost of the payloader is determined, Woodsville's calculated share of the price should be added to the sums due to the District for 2019.

25. In a letter dated February 11, 2020, an attorney representing Haverhill wrote to the District claiming that the payments made to Woodsville had been improperly "calculated," and that the District had been overpaid for its highway operations in the years 2016 through 2019. (Exhibit 6).

26. According to the letter, even after Haverhill withheld \$70,632 for 2019, the District had been overpaid by Haverhill by \$71,334.25 for that year. Haverhill demanded that the District return the funds immediately.

27. The letter went on to claim that under the new calculations employed by Haverhill, the District had been overpaid \$275,195 for 2016, \$149,321 for 2017 and \$231,403 for 2018, for a total overpayment in excess of \$655,000.

28. In support of these claims, Haverhill's attorney attached calculations attempting to demonstrate that both the District and Haverhill had misinterpreted the 2009 Legislation and the Amended MOU in the years 2009 through 2019. (Exhibit 7).

29. While much about these calculations is unexplained, or simply inexplicable, it appears that Haverhill is attempting to avoid using its actual Highway Budget as the basis for the allocation to the District. Instead, it is attempting to justify a new number based on categories of funds Haverhill has available for funding its expenses, and to present a new number which in fact does not represent the amount that Haverhill intends to spend on its highways and roads during the year.

30. Haverhill continues to underfund the District's highways in 2020. On April 17, 2020 it paid the District \$28,995.50 for the first quarter of 2020. As the sums owed by Haverhill to the District for 2020 total \$413,487 (Exhibit 8), Haverhill's first quarter payment should have been \$103,371.75. Therefore, Haverhill's payment to the District for the first quarter of 2020 was deficient by \$74,376.25.

31. As Haverhill seeks to avoid using its actual Highway Budget as the basis for allocating funds to the District, it is in violation of the 2009 Legislation, the Amended MOU and almost a decade of interpretation by both parties.

32. The limitation of funds imposed by Haverhill's newly discovered formula creates an extreme hardship for the District and will prevent the Commissioners from performing their statutory obligation of maintaining the highways, roads, sidewalks and storm drains within the District.

PROPEITY OF DECLARATORY RELIEF

33. The District has standing to assert this Petition as it has a present legal claim against Haverhill to obtain full payment of highway funds under the 2009 Legislation and Amended MOU.

34. The positions of the District and Haverhill are directly adverse as Haverhill has withheld; and based on its new formula and statements by its attorney, will continue to withhold funds that are due to the District under the 2009 Legislation and the Amended MOU.

35. This matter is urgent as without full payment of the highway funds by Haverhill, the District will be unable to fulfill its statutory obligation to maintain highways, roads, sidewalks and storm drains in the District.

36. The Court's Order with respect to this Petition will effectively resolve the issues between the parties, and avoid unnecessary litigation.

WHEREFORE, Petitioner, Woodsville Fire District, prays this Honorable Court grant the following relief:

- A. Enter such orders, judgments and decrees and may be necessary to give effect to the rights, duties, and liabilities of the parties;
- B. Order that Haverhill adhere to the 2009 Legislation and Amended MOU by calculating the payment of highway funds to the District based on the total of the

highways funds expended by Haverhill so that Haverhill's payment to the District reflects that number and the District's percentage of taxable property in the Town;

- C. Order Haverhill to complete its payments to the District for 2019 by paying the District \$70,632 forthwith;
- D. Order Haverhill to disclose the price it paid for the payloader it purchased in 2019, and add that figure to Haverhill's Highway Budget so that a share corresponding to the District's share of the Town's taxable property is thereafter paid to the District;
- E. Order Haverhill to complete its payment to the District for the first quarter of 2020 by paying the District \$74,376.25 forthwith.
- F. As this Petition raises important issues that require speedy determination so that the highways, roads, sidewalks and storm drains of the District can be properly maintained, Petitioner requests and expedited hearing on this matter; and
- G. For such other relief as the Court deems just and equitable.

Respectfully submitted,

THE WOODSVILLE FIRE DISTRICT

By Its Attorneys,

DEVINE, MILLIMET & BRANCH
PROFESSIONAL ASSOCIATION

Dated: April 22, 2020

By: /s/ Richard C. Nelson

Richard C. Nelson, Esquire (NH Bar #1867)

111 Amherst Street

Manchester, NH 03101

Telephone: 603.669.1000

rnelson@devinemillimet.com

**VERIFICATION BY THE COMMISSIONERS
OF THE WOODSVILLE FIRE DISTRICT**

The undersigned Commissioners of the Woodsville Fire District, being duly sworn, state as follows:

1. We have reviewed the Verified Petition for Declaratory Relief and Request for Expedited Hearing;
2. We know the allegations that we have personal knowledge about, are all true;
3. We believe the allegations that we do not have personal knowledge of to be true based on our specific knowledge of the circumstances concerning the expiration of the District's highways, its communications and relationship with Haverhill on this subject in the past and our review of relevant documents including those cited herein.

Signed:

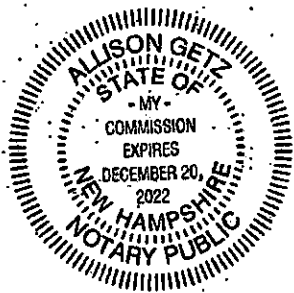


Paul Kidder, Chair

STATE OF NEW HAMPSHIRE
COUNTY OF Grafton

Personally appeared the above-named Paul Kidder and acknowledged that the foregoing statements by him are true to the best of his knowledge and recollection.

Before me:





Justice of the Peace/Notary Public

My Commission expires on 12/20, 2022

Signed:

Richard Guy
Richard Guy, Commissioner

STATE OF NEW HAMPSHIRE
COUNTY OF Carroll

Personally appeared the above-named Richard Guy and acknowledged that the foregoing statements by him are true to the best of his knowledge and recollection.

Before me:



Allison Getz
Justice of the Peace/Notary Public

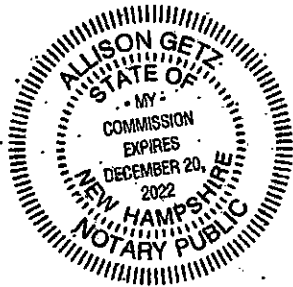
My Commission expires on 12/20, 2022

Steve Wheeler
Steve Wheeler, Commissioner

STATE OF NEW HAMPSHIRE
COUNTY OF Carroll

Personally appeared the above-named Steve Wheeler and acknowledged that the foregoing statements by him are true to the best of his knowledge and recollection.

Before me:



Allison Getz
Justice of the Peace/Notary Public

My Commission expires on 12/20, 2022

Exhibit 1

SB 75 - FINAL VERSION

08Jun2009... 1659h

2009 SESSION

09-0169
06/08

SENATE BILL

75

AN ACT

changing the formula for distribution of highway funds in the Woodsville fire district and ratifying the establishment of the West Ossipee fire precinct as a village district.

SPONSORS:

Sen. Reynolds, Dist 2; Rep. Ladd, Graf 5; Rep. Ingretson, Graf 5

COMMITTEE:

Public and Municipal Affairs

AMENDED ANALYSIS

This bill:

I. Provides a formula for determining the amount attributable to the town of Haverhill for appropriation to the highway funds in the Woodsville fire district.

II. Ratifies the establishment of the West Ossipee fire precinct as a village district.

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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nine

AN ACT changing the formula for distribution of highway funds in the Woodsville fire district.

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

- 1 **1** Distribution of Highway Funds in Woodsville Fire District. Amend 1887, 204:3, as amended
- 2 by 1899, 196:2 and 1990, 37:1, to read as follows:
- 3 **SECT. 8.** Said district at each annual meeting shall elect by ballot a moderator, a clerk, one
- 4 auditor, a treasurer, and three commissioners. All of said officers shall be elected by a majority vote
- 5 of all the voters present and voting at the annual meeting. Said officers shall exercise in relation to
- 6 district meetings the like powers to those of moderator, clerk, and selectmen of towns. The
- 7 commissioners shall have within the district all the powers of the mayor and aldermen of any city
- 8 respecting highways, sidewalks, and sewers. They shall control and direct the expenditure of all
- 9 moneys raised under authority of the district and by the town of Haverhill for expenditure in the
- 10 district. They shall have sole authority to appoint a highway surveyor in said district, and in default
- 11 of such appointment shall themselves perform the duties of that office. The surveyor or
- 12 commissioners performing the duties of highway surveyor in the district shall give bond to the town
- 13 to account for all money coming into their hands, and for the proper care and custody of the property
- 14 of the town or district which may come into their custody or control, and shall be deemed officers of
- 15 the town. Nothing in this act shall be construed to impose any distinct or special liability upon the
- 16 district respecting highways within its limits. Vacancies that may occur in the office of
- 17 commissioner in the district shall be filled by appointment of the remaining commissioners or
- 18 commissioner, but any commissioner appointed to fill a vacancy shall hold office only until the next
- 19 annual district meeting. Commissioners shall be residents of the district. The money appropriated
- 20 for the distribution of highway funds in the district which is attributable to the town of Haverhill
- 21 shall ~~not exceed 20 percent of the total amount of expenditures authorized at the town meeting~~ be
- 22 *determined by a fraction, the numerator of which shall be the assessed valuation of the*
- 23 *properties in the district, and the denominator of which shall be the assessed valuation of*
- 24 *the properties in the entire town of Haverhill as determined annually from the town MS-1*
- 25 *form. The town of Haverhill shall appropriate the percentage represented by such fraction*
- 26 *for distribution to the highway fund in care of the Woodsville fire district commissioners.*
- 27 *The district shall also receive a proportionate share of the state highway block grant funds*
- 28 *received by the town in the previous year based on the population and road mileage of the*
- 29 *district compared to the population and road mileage of the entire town of Haverhill.*
- 30 **2** Effective Date. This act shall take effect upon its passage.

Exhibit 2

**SENATE CALENDAR NOTICE
PUBLIC AND MUNICIPAL AFFAIRS**

Senator Betsi DeVries Chairman ✓
 Senator Matthew Houde V Chairman ✓
 Senator Kathleen Sgambati ✓
 Senator Sheila Roberge ✓
 Senator John Barnes, Jr. ✓

8:33 8:50

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: January 27, 2009

HEARINGS

Thursday

2/5/2009

PUBLIC AND MUNICIPAL AFFAIRS

LOB 103

8:30 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

8:30 AM SB75-L
 8:45 AM SB121
 9:00 AM SB186-FN
 9:15 AM SB110

changing the formula for distribution of highway funds in the Woodsville fire district.
 establishing a commission to study potential revenue enhancements for municipalities.
 relative to the motor vehicle registration fee supporting a municipal and transportation
 improvement fund.
 authorizing appointment of town clerks.

Sponsors:

SB75-L
 Sen. Deborah Reynolds
SB121
 Sen. Matthew Houde
 Sen. Harold Janeway
 Rep. Franklin Gould
SB186-FN
 Sen. Amanda Merrill
 Sen. Matthew Houde
SB110
 Sen. Kathleen Sgambati
 Sen. Sheila Roberge

Rep. Rick Ladd

Rep. Paul Ingtretson

Sen. Jacalyn Cilley
 Sen. Deborah Reynolds
 Rep. Raymond Gagnon

Sen. Martha Fuller Clark
 Rep. Susan Almy

Sen. Betsi DeVries
 Rep. Laurie Harding

Sen. Martha Fuller Clark

Rep. Peter Schmidt

Rep. Donna Schlachman

Rep. James Cyr

Rep. Robert Perry

Sen. John Barnes, Jr.

Marty Cote 271-3045

Sen. Betsi DeVries

Chairman

Public and Municipal Affairs Committee Hearing Report

TO Members of the Senate
FROM Susan Duncan *Senior Legislative Aide*
RE Hearing report on SB 75-L - *AN ACT changing the formula for distribution of highway funds in the Woodsville fire district*

HEARING DATE February 5 2009

MEMBERS OF THE COMMITTEE PRESENT Senators DeVries
Houde Sgambati Roberge and Barnes

MEMBERS OF THE COMMITTEE ABSENT No one

Sponsor(s) Senator Reynolds Representatives Ladd and Ingbretson

What the bill does This bill provides a formula for determining the amount attributable to the Town of Haverhill for appropriation to the highway funds in the Woodsville Fire District

Who supports the bill Senator Reynolds Representative Ladd

Who opposes the bill No one

Summary of testimony received

- Senator Reynolds introduced the legislation and explained that Haverhill is one of the largest towns in Senate District 2
- She explained that within the Town of Haverhill which covers a large geographical area there are a number of smaller villages Pike North Haverhill East Haverhill Haverhill Corner Woodsville and Mountain Lakes
- Also within the Town of Haverhill are three separate fire departments three distinct water districts four libraries three planning boards two highway departments and one five member Select Board
- The formula to distribute highway moneys was established by legislation and needs to be updated
- Thanks to the efforts of Representative Ladd who is also the Chairman of the Haverhill Select Board a new formula has been adopted and is being presented in this legislation

TKC

Date: February 5, 2009
Time: 8:33 a.m.
Room: LOB Room 103

The Senate Committee on Public and Municipal Affairs held a hearing on the following:

SB 75-L changing the formula for distribution of highway funds in the Woodsville fire district.

Members of Committee present: Senator DeVries
 Senator Houde
 Senator Sgambati
 Senator Roberge
 Senator Barnes

The Chair, Senator Betsi DeVries, opened the hearing on Senate Bill 75-L and invited the prime sponsor, Senator Reynolds, to introduce the legislation.

Senator Deborah R. Reynolds, D. 2: Good morning, Madam Chair and honorable members of the Committee. For the record, I am State Senator Deb Reynolds, and I have the honor and privilege of representing the residents of Senate District 2, which includes the town of Haverhill, New Hampshire. And by way of background with regard to this legislation, Haverhill is a very significant community in District 2. It is one of the largest towns in my district and has a very interesting history and is bordered, to some extent, by the ... is bordered by the Connecticut River and the state of Vermont.

And, historically, Haverhill has had a number of what we would call villages. It's a very large geographic town, but, over time, because of its geography, there are precincts or villages in the town, including Pike, North Haverhill, East Haverhill, Mountain Lakes, Haverhill Corner, and Woodsville. And because of its size, the town has, I guess what we would call ... It's not really fair to call them neighborhoods; it's more groupings of residences and commercial operations of business and so forth. I have also had the privilege of getting to be very familiar with the town, because over the past twenty-five plus years, I've been a long-time Grafton County lawyer and have traveled

MC

from Plymouth on Route 25 to Haverhill at least once a week and sort of consider the town as my second home.

One of the challenges that the town has had is that because of its size and because of the development of the villages or precincts, there have been some separation of some of the highway and sort of infrastructure maintenance issues. One example of how diverse the community is that we actually have five libraries in the town of Haverhill proper.

With regard to this particular legislation, there was some, I would say, strong discussion between the town of Woodsville and the town of, the village of Woodsville and the town of Haverhill, about cost-sharing in terms of highway costs. And that's what the genesis of this legislation is. It has to do with something that is established by state statute. It's a formula that needs to be updated.

And there was a fair amount of disagreement in the community about this issue. At one point, residents in Woodsville were actually talking about seceding from the town, and, thanks to the leadership of Representative Rick Ladd, who you're going to meet in a moment, and other leaders in the town, the residents were able to come together and really work out a cost-sharing formula that, to a large extent, has remediated (sic) this issue. And that's what this legislation is here before.

And Senator Barnes was talking yesterday on the Senate floor about being close to your communities, and that was an ethic that former State Representative Rob Johnson demonstrated, that he tried to demonstrate. That's certainly my feeling as well, that the town of Haverhill's a very important community to me.

I'm going to, probably at this point, take the opportunity to introduce you to Representative Rick Ladd, who's with me today. Rick was newly elected to the House of Representatives this past term. He happens to be the Chair of the Board of Selectmen in Haverhill, and prior, he's got some long ancestries, and he had ancestors in the community. There's actually a Ladd School. But Rick spent most of his career as a school administrator and principal in Alaska, was identified nationally and recognized as an outstanding school administrator. He decided to throw his hat in the ring. He is, by party, a Republican but believes very strongly in working together in a bi-partisan way to try to get some issues resolved. And he's here to kind of explain some of the niceties of the formula change, and I just wanted to introduce you to him because we're very lucky to have him in the General Court. He's been selected to be on the House Education Committee. He brings a lot of wealth of knowledge and experience. So, I would ask to defer questions about the

details to Rick and would like to introduce you to him and have you welcome him to the Senate.

Thank you very much.

Senator Betsi DeVries, D. 18: Thank you, Senator, for introducing the bill. And the Senator has asked for questions to be deferred, and we will honor that. Recognizing Representative Ladd. Thank you, Representative.

Representative Rick Ladd: Thank you very much, Madam Chair.

Senator Betsi DeVries, D. 18: And I think I see a little blush there from that introduction.

Representative Ladd: Yes.

Senator Deborah R. Reynolds, D. 2: (Speaking from the back of the room) I just had to brag about him.

Representative Ladd: I would like to thank Deb Reynolds for her wonderful comments, there. I certainly appreciate. Members of the Committee: it's a pleasure being here this morning.

I do have some information, which I'll pass to you, which might assist in your better understanding the nature of what I'm addressing here with the Senate bill. Oh, okay. Excuse me.

Please see Attachment #1 - Town of Haverhill information packet.

Representative Ladd: As Senator Reynolds iterated, the town of Haverhill is very convoluted in terms of governmental structure. And you'll see on one of the sheets there, we have four village districts, one police department, three fire departments, three water districts, four private libraries, one selectboard with a five-member board, three planning boards, two districts with zoning, two without, two highway departments. And it's sort of like herding cats. As Chairman of the selectboard and a commissioner in Haverhill Corner, we try to glue this structure together, and we're making much progress in the last year.

In regard to the Woodsville fire district, which is one of the precincts ... Within Woodsville, there's two districts. They have a water district with three separate commissioners, which don't have any ... They are independent of the fire district commissioners, which are also in Woodsville. So, they have two sets of commissioners: water and fire. The fire district is responsible for

roads. And there's a formula which we have in Haverhill, which was set by agreement between the town and those commissioners and by New Hampshire law, which you'll see on the cover sheet there, second paragraph, below all the information about the town: New Hampshire law chapter 37, originally HB 1138 back in May 22, 1990.

What this did, it took the budget that the town of Haverhill has for highways, our total budget. On the second sheet, you'll see that, in one of the bracketed areas there, where our total budget this year would be approximately \$988,000 for highway. The way we arrive at that, we take the highway budget and divide it by the property valuation of Woodsville in regard to the total town property valuation.

Woodsville's property valuation - due to increases and Wal-Mart coming into town, various restaurants - has gone up in regard to the total whole. We were capped before at a maximum of 20 percent. Now, due to the increased retail stores and that which have come to Woodsville, the property valuation in Woodsville has become 27.7 percent of the whole.

The highway formula's based upon this. And the commissioners in Woodsville are saying to the town, "Hey! We're not getting our share. We have an infrastructure and our highways, sewer and water below the roads; we have sidewalks and curbing. You don't have that in the rest of the town, so we'd like to have our share." There was an effort fought by some to secede because of this. We're trying to keep the town together.

So, we went back and looked at the formula. And as the selectboard, working with commissioners and all the commissions within the town, we've all come to agreement, and including the Budget Advisory Committee: This is the best way to travel. And so, what we've done is, the amount which would go to Woodsville annually would be based on the property valuation, as we have annually on the MS-1 reporting form to DRA.

In addition to this formula, we've also incorporated into the formula the highway block grant monies, which come from the State. And we divided our highway block monies into two pots, equal pots, that we receive: roughly around \$150,000, so we have 75 in each pot. One is based upon population, and the population of Woodsville in relation to the whole is approximately a quarter. The other side is based on road mileage, and this is the same way money is doled out to the towns from the State. And so the road mileage that Woodsville has is approximately 18 percent of the total whole. So, we take and work that out - you can see that in the second formula there - added the two together, and we're recommending, in this bill, that the whole formula be

changed to reflect what you see right here. I won't go into it because I know you're short on time.

And so, with that, we're asking that Senate Bill 75 will reflect the needs of the communities, so we can keep it together and have it change annually based upon our MS-1 reporting.

I'm pleased to answer any questions.

Senator Betsi DeVries, D. 18: Questions from the Committee? Senator Barnes.

Senator John S. Barnes, Jr., D. 17: Thank you, Madam Chair. Representative, what's the population?

Representative Ladd: The population of Woodsville is approximately a quarter of the 5,000, which we have within the total town.

Senator John S. Barnes, Jr., D. 17: So, total population...

Representative Ladd: So, it's about 25 ... Or, excuse me, it's approximately, what? A quarter of that total population of 5,000, yes.

Senator John S. Barnes, Jr., D. 17: Follow up question?

Senator Betsi DeVries, D. 18: Follow up.

Senator John S. Barnes, Jr., D. 17: You being a Selectman and the Chairman, what have the citizens of your town said about this bill? What have you heard from them?

Representative Ladd: Well, as you can see on the first sheet, we have all these different little precincts and districts. There are a lot of services which the town provides Woodsville, i.e., municipal services administration, police, et cetera, general assistance, and now roads as well. There are some, which are in the minority, saying, "Hey! Let them go their own way." There's a number of things which we receive that are positive from having Woodsville. We're able to put much of the land outside of the Woodsville fire district in current use, and we're protecting land; we're keeping it environmentally sound. And we see the outside areas - North Haverhill, Haverhill Corner, Mountain Lakes - becoming areas where the residents from Woodsville are living. And so we need to keep this together.

It's a give and take, and when you stack up all the figures, we did a real good data analysis of where are dollars in our budget going. In terms of police, yes, Woodsville has about seventy percent of the use of police; general assistance, about seventy percent. But there's other things the rest of the town gets back from having Woodsville as part of the town.

Senator John S. Barnes, Jr., D. 17: One last follow up, if I could, Madam Chair.

Senator Betsi DeVries, D. 18: Absolutely, Senator. Follow up.

Senator John S. Barnes, Jr., D. 17: I detected from your answer that there's a few people that are against this.

Representative Ladd: There are. That's right.

Senator John S. Barnes, Jr., D. 17: The Board itself is a five-member board. I happen to be a Selectman in Raymond, and I know the votes always aren't five to nothing. What is the vote on your Board on this issue?

Representative Ladd: The Board we have in Haverhill is unlike Raymond. It's unanimous, and I can't recall, in the last three years, where we've had any votes which have not been unanimous. What we're doing, we're working with our commissions very closely, and that's made a big difference: communications.

Senator John S. Barnes, Jr., D. 17: Thank you very much.

Senator Betsi DeVries, D. 18: Thank you, Senator. Additional questions?
Senator Sgambati.

Senator Kathleen G. Sgambati, D. 4: Thank you. I would like to say I've absorbed this all, but I can't tell you that I have. When you're talking about the distribution of the highway block grant funds...

Representative Ladd: Yes.

Senator Kathleen G. Sgambati, D. 4: That's ... You get a set amount from the State, and you're talking about the distribution within your communities. I'm trying to ensure that this doesn't affect the amount that would come from the highway fund, but it's just what you would already get?

Representative Ladd: No. We receive around 148,000.

MC

Senator Kathleen G. Sgambati, D. 4: Okay.

Representative Ladd: And we're looking at using that. It's for roads and bridge maintenance, and, certainly, Woodsville has the roads and the bridge maintenance. So, we think it's only fair that we take that percentage based upon this formula. It's not asking for any additional dollars from the State. It's just taking what we receive and dividing it in a more fair manner, in a fairer manner.

Senator Kathleen G. Sgambati, D. 4: Thank you.

Representative Ladd: Yes.

Senator Betsi DeVries, D. 18: I have a question for clarification, Representative. I understand you have devised this formula under the existing structure that you have and infrastructure that you have in the different districts today. But, say, if there was a large industrial project, let's say, just for the sake of it, let's say a wood pellet plant, should open up, has ... obviously will skew the assessed valuation. Did the board consider that that...?

Representative Ladd: Yes, Senator.

Senator Betsi DeVries, D. 18: ...could happen?

Representative Ladd: The ... In fact, what you ask, we have going on. North Haverhill has, we have, a business park there, which the property's owned by the town. We're selling the lots to a commercial realtor. We've had White Mountain Diesel, Mr. Presby, come in. We're building a biodiesel plant there for taking animal fats and putting it into the biodiesel. That's going to increase the valuation in North Haverhill, and this is why this formula states that the adjustment of monies which go to Woodsville are based annually on the MS-1 reporting from that preceding year. So, one year it may be here, another year it may be a little lower. So, it fluctuates based upon valuation throughout the town.

Senator Betsi DeVries, D. 18: Follow up: do I have any additional questions from the Committee?

Senator Matthew Houde, D. 5: I do. I have one other question, Madam Chair.

Senator Betsi DeVries, D. 18: Senator.

MC

Senator Matthew Houde, D. 5: Thank you very much. Thank you for taking the question, Representative. Just to follow up on that question and for clarification, the new calculation doesn't take into consideration valuation of the village versus the town, is that correct?

Representative Ladd: It takes the ... We're looking at the property valuation of Woodsville over top of the entire property valuation of the town of Haverhill. So, it becomes a percentage there, and we are looking at that, and that's what we get from the annual MS-1 reporting. And so we are able to discern. In the past, it's been, roughly, we've been capped at 20 percent of that property valuation in Woodsville, whereas we know that their property valuation is much greater than that percentage. And so, we are ... We look at it annually, and this has been the concern, that Woodsville is unable to maintain their protector infrastructure. The roads in Woodsville are atrocious, and they can't maintain that infrastructure with the dollars they're receiving.

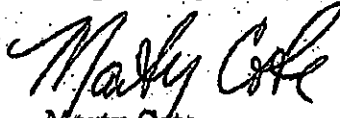
This will provide them annually approximately another hundred thousand dollars, which will help, somewhat, in maintaining that sewer system and water, underneath the road, and the sidewalks, which they have along with their roads, which don't have a decent base underneath them.

Senator Matthew Houde, D. 5: Thank you.

Senator Betsi DeVries, D. 18: Additional questions from the Committee? Hearing none, I don't have anybody else lined up to speak to this. I would ask if anybody had come in wishing to speak on Senate Bill 75. Hearing none, we will close the hearing on Senate Bill 75.

Hearing concluded at 8:50 a.m.

Respectfully submitted,



Marty Cote
Senate Secretary
2/18/09

1 Attachment

Exhibit 3

HAVERHILL SELECTBOARD ADDENDUM PROPOSAL (9/16/08)
to
FIRST AMENDMENT
of
"MEMORANDUM OF UNDERSTANDING"

All sections of the First Agreement will remain the same as dated January 1995, with the exception of section 2.b that is changed to read:

b. The Board of Selectmen and the Board of Commissioners have determined that the following formula represents their best judgment and agreement as to the proper implementation of said Special Act:

The net operating budget of the Town of Haverhill Highway Department, including the budget for this Town Highway Garage, shall be divided by an annual percentage factor based upon the annual updated Woodsville Fire District property valuation percentage of the Town of Haverhill property valuation as determined from the Annual Town of Haverhill MS-1 Summary Inventory of Valuation. The resulting figure shall be the total amount of money budgeted for road maintenance by the Town of Haverhill with the annual percentage factor (determined from the above stated MS-1 report) of the total road budget returned to the Woodsville Fire District as the so-called "Woodsville Road Money" pursuant to said Special Act.

By way of example, the 2009 fiscal year budgeted amount to operate the Town of Haverhill Highway Department is \$714,774. 72.3% (based upon the 2008 MS-1) divided into \$714,774 equals \$988,622 (Total Highway Budget). The Woodsville Fire District would receive 27.7% of the Total Highway Budget) or \$273,848.

The total Highway Block Grant revenue received by the Town of Haverhill will be divided into two (2) pots of 50% each. From the population pot, the Woodsville Fire District will receive an amount of revenue based upon Woodsville's population obtained from the most recent US Census data in proportion to the entire Town population. Revenue from the second pot will be disbursed based upon Woodsville's Class V road mileage in proportion to the total Town Class V mileage.

For example, the 2008 Highway Block Grant revenue received by the Town was \$148,449. The Woodsville population is 1,081 and the total Town population is 4,416. Woodsville has 24.5% of the population. Woodsville will receive 24.5% of the first pot. ($\$74,225 \times 24.5\% = \$18,185$) Woodsville's Class V road mileage is 13.7% of the total Town road mileage. Woodsville will also receive 13.7% of the Class V road mileage from pot 2. ($\$74,225 \times 13.7\% = \$10,169$).

Based upon the above figures, the Woodsville Fire District will receive:
 $\$18,185 + \$10,169 = \$28,354$ of the Highway Block Grant distribution.

To become effective, the Haverhill Selectboard and Woodsville Commissioners must approve this agreement. The proposed change also requires statutory approval by the New Hampshire Legislature.

Revised 12/29/08 based on actual 2009 budget figures.

Exhibit 4

1 Woodsville road funding 2019

2 Items from Haverhill 2018 report

3 ***** EXCLUDING LOADER PURCHASE *****

4

5 Part One - Local Budgets

6

7 HAVERHILL HIGHWAY NON-BLOCK GRANT REVENUES:

8 Highway Non-Block Grant revenues PG 21 \$0

9 TOTAL HNBG REVENUES \$0

10

11 HAVERHILL HIGHWAY BUDGET

12

13 Haverhill Hwy Budget pg 31 \$699,511

14 Hwy Vehicles PG31 \$50,729

15 Health Insurance omitted from budget on pg31 \$67,518

16 HAVERHILL HIGHWAY BUDGET TOTAL \$817,758

17 NET HAVERHILL HIGHWAY OPERATING BUDGET \$817,758

18

19 Woodsville share of Total assessed value is 23.61% pg56

20 Remaining Town's share of assessed value is 76.39 pg56

21

22 Total Highway Budget \$1,070,503 (line 17/76.39%)

23 Woodsville's share of Total Highway Budget \$252,745 (line 22*23.61%)

24

25 Part Two - NH Highway Block Grant Allocation

26

27 NH Hwy Block Grant pg21 \$179,000

28

29 One half allocated to population \$89,500 (1/2 of line 27)

30 Woodsville % of Town population is 23.97 \$21,453 23.97% of line 29)

31

32 One half allocated to % of class V roads \$89,500 (1/2 of line 27)

33 Woodsville % of class V roads is 8.31 \$8,332 (8.31% of line 32)

34

35 Total NH Highway Block Grant to Woodsville \$29,786 (line 30+33)

36

37 Total Due to Woodsville \$282,531 (line 23+35)

38 Amount paid to Woodsville \$211,898

39 Overpaid (Underpaid) to Woodsville (\$70,632)

Exhibit 5

2019 PROPOSED OPERATING BUDGET

Account Number	Account Name	2017 Budget	2017 Actual	2018 Budget	2018 Actual	2019 Proposed Budget
HIGHWAY DEPARTMENT						
01-4312.10-730	HW-CAPITAL OUTLAY	\$0	\$0	\$872,163	\$274,952	\$0
		<u>\$0</u>	<u>\$0</u>	<u>\$872,163</u>	<u>\$274,952</u>	<u>\$0</u>
01-4312.20-110	HW Salaries - F/T	\$212,467	\$216,233	\$213,463	\$220,329	\$222,500
01-4312.20-120	HW Wages - P/T	\$0	\$0	\$0	\$2,863	\$0
01-4312.20-140	HW Overtime	\$30,000	\$39,005	\$30,000	\$30,587	\$32,460
01-4312.20-220	HW Social Security	\$15,033	\$15,612	\$15,095	\$15,330	\$15,811
01-4312.20-225	HW Medicare	\$3,516	\$3,708	\$3,530	\$3,678	\$3,699
01-4312.20-230	HW NH Retirement	\$27,942	\$28,655	\$27,706	\$28,537	\$25,087
01-4312.20-240	HW Mileage/Travel	\$800	\$1,575	\$1,000	\$937	\$1,000
01-4312.20-250	HW Unemployment Ins	\$98	\$83	\$98	\$84	\$84
01-4312.20-260	HW Worker's Comp	\$10,940	\$9,833	\$10,940	\$10,720	\$12,970
01-4312.20-341	HW Telephone	\$1,500	\$1,119	\$1,116	\$1,007	\$0
01-4312.20-390	HW Professional Serv	\$0	\$5,431	\$0	\$3,219	\$0
01-4312.20-410	HW Electricity/Water	\$3,340	\$3,447	\$3,500	\$3,089	\$3,200
01-4312.20-411	HW Heat	\$3,500	\$3,783	\$3,500	\$4,328	\$3,500
01-4312.20-430	HW Vehicle Maint./Repairs	\$45,000	\$57,725	\$51,950	\$74,932	\$51,950
01-4312.20-440	HW Machine hire	\$70,500	\$101,353	\$70,500	\$58,615	\$60,000
01-4312.20-520	HW Insurance	\$9,505	\$10,554	\$11,504	\$10,263	\$11,700
01-4312.20-610	HW Supplies	\$11,000	\$10,395	\$12,000	\$9,236	\$10,000
01-4312.20-635	HW Vehicle Fuel	\$35,000	\$30,406	\$35,000	\$35,236	\$32,000
01-4312.20-640	HW Building Maint/Sup	\$2,100	\$3,853	\$2,100	\$2,588	\$2,500
01-4312.20-690	HW Miscellaneous	\$300	\$967	\$500	\$300	\$300
01-4312.20-740	HW Equip	\$0	\$52	\$0	\$0	\$0
01-4312.20-840	HW Meetings and Training	\$500	\$255	\$500	\$60	\$250
01-4312.20-861	HW Cold Patch	\$1,500	\$805	\$1,500	\$3,174	\$1,500
01-4312.20-862	HW Culverts	\$4,000	\$19,161	\$4,000	\$12,552	\$4,000
01-4312.20-863	HW Concrete	\$20,000	\$0	\$20,000	\$0	\$2,000
01-4312.20-864	HW Sand/Gravel-Summer	\$69,000	\$89,761	\$75,000	\$55,882	\$75,000
01-4312.20-865	HW Lumber	\$500	\$0	\$500	\$710	\$500
01-4312.20-866	HW Tar	\$100,000	\$131,234	\$100,000	\$106,513	\$50,000
01-4312.20-867	HW Signs	\$2,000	\$600	\$2,000	\$2,151	\$2,000
01-4312.20-868	HW Stabilization	\$4,000	\$0	\$4,000	\$5,781	\$4,000
01-4312.20-869	HW Calcium Chloride	\$12,000	\$10,797	\$12,000	\$13,912	\$15,000
01-4312.20-870	HW Salt	\$43,800	\$45,598	\$45,500	\$47,134	\$45,500
01-4312.20-871	HW Sand/Winter	\$11,000	\$10,455	\$11,000	\$13,317	\$11,000
		<u>\$750,841</u>	<u>\$852,456</u>	<u>\$769,502</u>	<u>\$777,061</u>	<u>\$699,511</u>
01-4312.30-730	HW Woodsville Hwy. Reimb	\$306,772	\$306,772	\$429,203	\$429,203	\$282,531
		<u>\$306,772</u>	<u>\$306,772</u>	<u>\$429,203</u>	<u>\$429,203</u>	<u>\$282,531</u>
01-4312.30-760	HW Vehicles	\$53,961	\$50,557	\$51,845	\$51,793	\$50,729
		<u>\$53,961</u>	<u>\$50,557</u>	<u>\$51,845</u>	<u>\$51,793</u>	<u>\$50,729</u>
TOTAL HIGHWAY DEPARTMENT		<u>\$1,111,574</u>	<u>\$1,209,785</u>	<u>\$2,122,713</u>	<u>\$1,533,009</u>	<u>\$1,032,771</u>

Exhibit 6

February 11, 2020

Woodsville Precinct Commissioners
c/o Chairman Paul Kidder
14 King Street
Woodsville, NH 03785

RE: Highway Funds Appropriations, Demand for Return of
Lapsed Funds, RSA 91-A request, and Preservation
Demand

Dear Commissioners:

This firm represents the Town of Haverhill with respect to issues relating to the appropriation of highway funds by the Town to the Precinct pursuant to statute (most recently, SB75 (2009)) and the 2008 amended Memorandum of Understanding between the Town and the Precinct. Each year the Town appropriates (and raises through taxation) monies for distribution to the highway fund in the care of the Precinct (the "Woodsville Highway Fund"). Payments are then typically made quarterly over the fiscal year. As you know, it has recently come to the Town's attention that its contributions to the Woodsville Highway Fund were improperly calculated.

Although there are several issues at play, the primary one is that the Precinct had been receiving distributions based on the Town's gross, not net, highway operating budget. This letter is to notify you of the changes moving forward, demand that the excess monies be returned to the Town's taxpayers as lapsed, request certain documents pursuant to RSA 91-A, and to notify the Precinct to preserve any and all evidence related to its receipt, transfer, use, or expenditure of highway funds received from the Town.

The 2019 Overpayment and Lapsed Funds

Prior to the 2019 town meeting, the Town's contribution to the Woodsville Highway Fund was calculated to be \$282,531 for fiscal year 2019. The voters appropriated this amount at the annual meeting. However, the Town has determined this amount was in error. As best can be calculated, the Town determined that the total amount of the Town's contribution to the Woodsville Highway Fund should have been \$140,564. I enclose documents demonstrating and supporting these calculations. The Town did not catch this error until after it had made three of the four payments to the Precinct for the year, totaling \$211,898.25.

As you are aware, the remaining \$70,632.75 appropriated by the voters for the Woodsville Highway Fund and held by the Town (the fourth payment) lapsed, and will be returned to the voters. The Town also demands that the excess \$71,334.25 transferred to the Precinct be immediately returned as lapsed pursuant to RSA 32.

After catching these errors, the Town looked back at prior year calculations and determined that these, too, were in error. By way of example, I enclose calculations for 2016, 2017, and 2018, demonstrating the following overpayments:

- 2016: \$275,195
- 2017: \$149,321
- 2018: \$231,403

In those three years alone, the Precinct received over \$655,000 in excess funds. As the Commissioners are well aware, the Precinct only has 8.3 miles of Class V roads, while the Town has 72 miles. Based on the Precinct's published highway department operating budget over the past few years, it is purportedly expending approximately \$30,000 per year per mile of road. In contrast, the Town historically averages \$10,000 per year per mile of road.

A cursory review of the Precinct budgets suggests ongoing "special projects" and constant "paving," which is surprising given the amount of roads at issue. Quite frankly, there is no conceivable way that the Precinct properly expended the full amounts of these distributions each year, especially in light of the other "enterprises" the Precinct is engaged in.

RSA 32:7 provides that unexpended funds lapse and are returned to the taxpayers. The Precinct should have been returning the excess funds to the Town and, ultimately, the taxpayers.

2020 Anticipated Appropriation

The Town's Budget Committee has determined that for 2020 the amount appropriated for distribution to the Woodsville Highway Fund is \$115,982. That is the amount that will be presented to the voters at the Town's annual meeting. That being said, this amount constitutes the Town's best effort at properly calculating the amount. As the Town, together with its counsel, the DRA, and other entities, continues to examine the issue, it reserves its right to reassess and recalculate any amounts.

Summary of Demands and Preservation Demand

I understand that the Town, through its Town Manager and the Board of Selectmen, has engaged in an open dialogue with the Precinct regarding these issues. As you know, there is legislation currently under consideration which would affect the current distribution method and formula. I also understand there are other talks which relate to merging or dissolving the Precinct's highway department. While these efforts may result in a path forward in the future, the fact remains that the Precinct improperly received hundreds of thousands of dollars from Town taxpayers that it was not entitled to and which the Precinct could not have conceivably properly expended.

The Town hereby demands that the Precinct return these excess funds as lapsed, so that they may be returned to the taxpayers.

properly and fully expended the excess amount, the Town requests proof of the same.

Right-to-Know (RSA 91-A Request)

As a municipal entity, I presume that the Precinct is in compliance with RSA 91-A and that it observes proper record-keeping practices. Pursuant to RSA 91-A, the Town hereby requests copies of any and all records, as described below:

- All records regarding the Town's contribution to the Woodsville Highway Fund for the years 2016-2020.
- All records regarding the Precinct's expenditures of the Woodsville Highway Fund for the years 2016-2020, regardless of source of funds.

This request is for **ALL** documents regarding those two topics. So that there is no confusion as to the scope of this request, by way of example this includes: bank statements, cancelled checks, paystubs, contracts, budgets, ledgers, email and other communications, memoranda, receipts, invoices, and purchase orders.

Please forward these records to my attention within five business days. However, if necessary, the Town will seek court intervention.

Please also accept this as a formal notice that the Precinct - and its agents, including the board of commissioners - must preserve and maintain any and all records and evidence related to the distribution of highway funds by the Town to the Precinct in anticipation of potential litigation regarding these matters, independent from the RSA 91-A request.

Sincerely,



Demetrio F. Aspiras

Exhibit 7

WOODSVILLE ROAD MONEY CALCULATION

2019 Budget

Non-Woodsville % of Town Assessed Value	75.39%
Woodsville % of Town Assessed Value	23.61%
Woodsville % of Town of Haverhill Population	23.97%
Woodsville % of Class V Roads	8.31%

2019 Net Highway Operating Budget (Including Woodsville Highway)	\$472,795.44
2019 Net Highway Operating Budget (Excluding Woodsville Highway)	<u>\$361,169.44</u>
2019 Woodsville Highway Net Operating Budget	<u>\$111,627.00</u>
2018 Total Highway Block Grant Funding Received	\$179,285.56
50% of 2018 Total Highway Block Grant Funding Received	\$89,642.58
Portion of Highway Block Grant Due Woodsville Based on % of Town Population	\$21,487.35
Portion of Highway Block Grant Due Woodsville Based on % of Class V Roads	<u>\$7,449.31</u>
Total Portion of Highway Block Grant Due Woodsville	<u>\$28,936.66</u>
Total Money Due Woodsville for Highway Funding	\$140,564.00
Total Money Appropriated to Woodsville for 2018 Highway Funding	<u>\$282,531.00</u>
Total Amount (Over)/Underpaid to Woodsville for 2018 Highway Funding	<u>(\$141,967.00)</u>

2019 Town Operating Budget	\$4,039,262.00	2018 Town Assessed Value (MS-1 Line 21A)	\$345,547,509.00
2019 Highway Operating Budget (Excluding Woodsville Highway)*	\$699,513.00	2018 Woodsville Assessed Value (MS-1V Line 21)	\$81,583,668.00
Hwy % of Town Operating Budget	17.32%	Woodsville % of Town Assessed Value	23.61%
2019 Estimated Town Revenues	\$4,541,559.00	Non-Woodsville % of Town Assessed Value	76.39%
LESS Restricted Revenue:		Town of Haverhill Population (Based on 2010 Census)	4697
Property Taxes	\$2,433,080.00	Woodsville Precinct Population (Based on 2010 Census)	1126
Transfer from Fund Balance	\$125,000.00	Woodsville % of Town of Haverhill Population	23.97%
Appropriate from Fund Balance	\$30,000.00		
Subtotal Restricted Revenues	\$2,588,080.00		
Estimated Town Revenues to be used to offset operating budget	\$1,953,479.00	2018 Total Highway Block Grant Funding Received	\$179,285.36
% of Estimated Town Revenues Used to offset Hwy Budget	338,342.56		
2019 Net Highway Operating Budget (Excluding Woodsville Highway)	\$361,168.44		

* Highway Operating Budget does not include Capital Road Projects, Vehicle Purchases or Employee Health Benefits

WOODSVILLE ROAD MONEY CALCULATION 2018 BUDGET

Non-Woodsville % of Town Assessed Value	76.87%	
Woodsville % of Town Assessed Value	23.63%	
Woodsville % of Town of Haverhill Population	28.97%	
Woodsville % of Class V Roads	8.31%	
2018 Net Highway Operating Budget (Including Woodsville Highway)		\$612,787.81
2018 Net Highway Operating Budget (Excluding Woodsville Highway)		<u>\$467,968.14</u>
2018 Woodsville Highway Net Operating Budget		\$144,799.67
2017 Highway Block Grant Received		\$477,157.84
2017 5838 Highway Block Grant Received		<u>\$191,250.00</u>
2017 Total Highway Block Grant Funding Received		\$668,407.84
50% of 2017 Total Highway Block Grant Funding Received		\$334,203.92
Portion of Highway Block Grant Due Woodsville Based on % of Town Population		\$99,559.62
Portion of Highway Block Grant Due Woodsville Based on % of Class V Roads		<u>\$11,645.32</u>
Total Portion of Highway Block Grant Due Woodsville		\$111,204.94
Total Money Due Woodsville for Highway Funding		\$187,800.00
Total Money Appropriated to Woodsville for 2018 Highway Funding		<u>\$429,203.00</u>
Total Amount (Over)/Underpaid to Woodsville for 2018 Highway Funding		(\$241,403.00)

2018 Town Operating Budget	\$4,862,875.00	2017 Town Assessed Value (MS-1 Line 21A)	\$345,076,592.00
2018 Highway Operating Budget (Excluding Woodsville Highway)*	\$769,502.00	2017 Woodsville Assessed Value (MS-1V Line 21)	\$81,543,507.00
Hwy % of Town Operating Budget	15.82%	Woodsville % of Town Assessed Value	23.63%
2018 Estimated Town Revenues	\$5,350,035.00	Non-Woodsville % of Town Assessed Value	76.37%
LESS Restricted Revenue:		Town of Haverhill Population (Based on 2010 Census)	4697
Property Taxes	\$2,507,515.00	Woodsville Precinct Population (Based on 2010 Census)	1125
FEMA Funds - CPR	\$517,500.00	Woodsville % of Town of Haverhill Population	23.97%
State Funds - CPR	\$138,000.00		
Highway CRF	\$182,163.00	2017 Highway Block Grant Received	\$177,157.34
General Surplus (FB)	\$100,000.00	2017 SB38 Highway Block Grant Received	\$151,250.00
Subtotal Restricted Revenues	\$3,445,178.00	2017 Total Highway Block Grant Funding Received	\$328,407.34
Estimated Town Revenues to be used to offset operating budget	\$1,904,857.00		
% of Estimated Town Revenues Used to offset Hwy Budget	\$301,528.80		
2018 Net Highway Operating Budget (Excluding Woodsville Highway)	\$467,983.14		

* Highway Operating Budget does not include Capital Road Projects, Vehicle Purchases or Employee Health Benefits

WOODSVILLE ROAD MONEY CALCULATION 2017 Budget

Non-Woodsville % of Town Assessed Value	76.32%	
Woodsville % of Town Assessed Value	23.69%	
Woodsville % of Town of Haverhill Population	23.97%	
Woodsville % of Class V Roads	8.81%	
2017 Net Highway Operating Budget (including Woodsville Highway)		\$543,543.19
2017 Net Highway Operating Budget (excluding Woodsville Highway)		\$414,777.78
2017 Woodsville Highway Net Operating Budget		<u>\$128,765.37</u>
2016 Total Highway Block Grant Funding Received		\$177,728.03
50% of 2016 Total Highway Block Grant Funding Received		\$88,864.02
Portion of Highway Block Grant Due Woodsville Based on % of Town Population		\$21,800.70
Portion of Highway Block Grant Due Woodsville Based on % of Class V Roads		<u>\$7,384.00</u>
Total Portion of Highway Block Grant Due Woodsville		\$28,885.80
Total Money Due Woodsville for Highway Funding		\$157,451.00
Total Money Appropriated to Woodsville for 2017 Highway Funding		<u>\$306,772.00</u>
Total Amount (Over)/Underpaid to Woodsville for 2017 Highway Funding		(\$149,321.00)

2017 Town Operating Budget	\$3,998,599.00	2016 Town Assessed Value (MS-1 Line 21A)	\$344,817,693.00
2017 Highway Operating Budget (Excluding Woodsville Highway)*	\$750,841.00	2016 Woodsville Assessed Value (MS-1V Line 21)	\$81,699,064.00
Hwy % of Town Operating Budget	18.78%	Woodsville % of Town Assessed Value	23.69%
2017 Estimated Town Revenues	\$4,343,836.00	Non-Woodsville % of Town Assessed Value	76.31%
LESS Restricted Revenue:		Town of Haverhill Population (Based on 2010 Census)	4697
Property Taxes	\$2,315,460.00	Woodsville Precinct Population (Based on 2010 Census)	1326
Transfer from Fund Balance	\$185,000.00	Woodsville % of Town of Haverhill Population	28.27%
Transfer from Vehicle CRF	\$53,952.00		
Subtotal Restricted Revenues	\$2,554,422.00		
Estimated Town Revenues to be used to offset operating budget	\$1,789,474.00		
% of Estimated Town Revenues Used to offset Hwy Budget	\$386,063.22	2016 Total Highway Block Grant Funding Received	\$177,728.03
2017 Net Highway Operating Budget (Excluding Woodsville Highway)	\$414,777.78		

* Highway Operating Budget does not include Capital Road Projects, Vehicle Purchases or Employee Health Benefits

WOODSVILLE ROAD MONEY CALCULATION 2016 Budget

Non-Woodsville % of Town Assessed Value	77.07%
Woodsville % of Town Assessed Value	22.93%
Woodsville % of Town of Haverhill Population	23.97%
Woodsville % of Class V Roads	8.31%

2016 Net Highway Operating Budget (Including Woodsville Highway)	\$579,813.28
2016 Net Highway Operating Budget (Excluding Woodsville Highway)	<u>\$446,476.71</u>
2016 Woodsville Highway Net Operating Budget	\$133,336.57
2015 Total Highway Block Grant Funding Received	\$163,743.89
50% of 2015 Total Highway Block Grant Funding Received	\$82,871.95
Portion of Highway Block Grant Due Woodsville Based on % of Town Population	\$19,854.64
Portion of Highway Block Grant Due Woodsville Based on % of Class V Roads	<u>\$6,886.74</u>
Total Portion of Highway Block Grant Due Woodsville	\$26,741.38
Total Money Due Woodsville for Highway Funding	\$159,888.00
Total Money Appropriated to Woodsville for 2016 Highway Funding	<u>\$434,783.06</u>
Total Amount (Over)/Underpaid to Woodsville for 2016 Highway Funding	(\$275,195.00)

2016 Town Operating Budget	\$4,495,165.00	2015 Town Assessed Value (MS-1 Line 21)	\$356,288,480.00
2016 Highway Operating Budget (Excluding Woodsville Highway)*	\$757,138.00	2015 Woodsville Assessed Value (MS-1V Line 21)	\$81,689,064.00
Hwy % of Town Operating Budget	16.84%	Woodsville % of Town Assessed Value	22.93%
2016 Estimated Town Revenues	\$4,948,713.00	Non-Woodsville % of Town Assessed Value	77.07%
LESS Restricted Revenue:		Town of Haverhill Population (Based on 2010 Census)	4697
Property Taxes	\$2,520,131.00	Woodsville Precinct Population (Based on 2010 Census)	1126
Transfer from Fund Balance	\$100,000.00	Woodsville % of Town of Haverhill Population	23.97%
Transfer from Fire Vehicle CRF	\$180,000.00		
Transfer from Recal CRF	\$3,800.00		
Transfer from Hwy/Construction CRF	\$300,000.00		
Subtotal Restricted Revenues	\$3,103,931.00		
Estimated Town Revenues to be used to offset operating budget	\$1,844,782.00		
% of Estimated Town Revenues Used to offset Hwy Budget	\$310,661.29	2015 Total Highway Block Grant Funding Received	\$165,745.89
2016 Net Highway Operating Budget (Excluding Woodsville Highway)	\$446,476.71		

* Highway Operating Budget does not include Capital Road Projects, Vehicle Purchases or Employee Health Benefits

Exhibit 8

1 Woodsville road funding 2020

2 Items from Haverhill 2019 report

3

4 Part One - Local Budgets

5 HAVERHILL HIGHWAY NON-BLOCK GRANT REVENUES:

6 Highway Non-Block Grant revenues from State PG 21	\$138,000
7 Highway Non-Block Grant revenues from Feds PG 21	\$547,828
8 TOTAL HN BG REVENUES	\$685,828

9

10 HAVERHILL HIGHWAY BUDGET

11 Transfer from Hwy Con/Reconst	\$350,000
12 Clark Pond Project cost (estimated)	\$685,828
13 Haverhill Hwy Budget pg 28	\$697,094
14 Hwy Vehicle leases (2) PG32	\$125,000
15 Health Insurance (use 2018 figure)	\$67,518
16 HAVERHILL HIGHWAY BUDGET TOTAL	\$1,925,440
17 NET HAVERHILL HIGHWAY OPERATING BUDGET	\$1,239,612

18

19 Woodsville share of Total assessed value is 23.61% pg58

20 Remaining Town's share of assessed value is 76.39 pg58

21

22 Total Highway Budget	\$1,622,741 (line 17/76.39%)
23 Woodsville's share of Total Highway Budget	\$383,129 (line22*23.61%)

24

25 Part Two - NH Highway Block Grant Allocation

26

27 NH Hwy Block Grant pg18	\$182,439
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28

29 One half allocated to population	\$91,220 (1/2 of line 27)
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30 Woodsville % of Town population is 23.97	\$21,865 23.97% of line 29)
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31

32 One half allocated to % of class V roads	\$91,220 (1/2 of line 27)
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33 Woodsville % of class V roads is 8.31	\$8,493 (8.31% of line 32)
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34

35 Total NH Highway Block Grant to Woodsville	\$30,358 (line 30+33)
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36

37 Total Due to Woodsville	\$413,487 (line 23+35)
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38 Amount Budgeted for Woodsville p28	\$115,982
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39 (Underbudgeted) for 2020	(\$297,505)
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PLODZIK & SANDERSON

Professional Association/Accountants & Auditors

193 North Main Street • Concord • New Hampshire • 03301-5063 • 603-225-6996 • FAX 603-224-1380

INDEPENDENT AUDITOR'S REPORT

To the Members of the Board of Commissioners
Woodsville Fire District
Woodsville, New Hampshire

We have audited the accompanying financial statements of the governmental activities, business-type activities, and each major governmental and proprietary fund of the Woodsville Fire District as of and for the year ended December 31, 2015, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

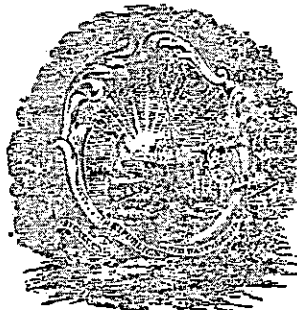
We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our unmodified and adverse audit opinions.

Summary of Opinions

<u>Opinion Unit</u>	<u>Type of Opinion</u>
Governmental Activities	Adverse
Business-type Activities	Adverse
General Fund	Unmodified
Proprietary Funds:	
Electric Fund	Adverse
Water Fund	Adverse
Sewer Fund	Unmodified
Ambulance Fund	Adverse

LAWS OF 1878

THE
GENERAL LAWS
OF THE
STATE OF NEW HAMPSHIRE;
TO WHICH ARE PREFIXED
THE CONSTITUTIONS
OF THE
UNITED STATES AND STATE OF NEW HAMPSHIRE.
WITH
A GLOSSARY AND DIGESTED INDEX.



MANCHESTER:
JOHN B. CLARKE, STATE PRINTER.
1878.

GENERAL LAWS (1878)

192

SIDEWALKS AND SEWERS.

[Ch. 78.

CHAPTER 78.

SIDEWALKS AND SEWERS.

SECTION

1. Power of mayor and aldermen in construction of sidewalks.
2. Damages; set-off.
3. Abutters to be assessed one-half of expense of construction.
4. No laying out to be valid until part of expense is paid by petitioners.
5. Owner dissatisfied may appeal.
6. Cities authorized to construct sewers.
7. Property benefited to be assessed therefor.

Power of mayor and aldermen in the construction of sidewalks. 1875, 36: 1.

Damages; set-off. 1875, 36: 2.

Abutters to be assessed one-half expense of construction. 1872, 25: 1. 1875, 36: 3.

No laying out to be valid until part of expense is paid by petitioners, when. 1875, 36: 4.

Owner dissatisfied with award may appeal. 1875, 36: 5.

SECTION

8. Assessment to constitute a lien on property.
9. Appeal from assessment regulated.
10. Cities may pay part of expenses.
11. Construction of sewers regulated.
12. Penalties for obstructing streets, etc., without permission.
13. Land taken for sewerage; proceedings same as in case for highways.
14. Provisions of this chapter shall be in force in towns adopting the same.

SECT. 1. The mayor and aldermen in any city, upon petition, may grade and construct sidewalks, and complete any partially constructed, in any city, with or without edgestones as said board shall deem expedient, and may cover them with any appropriate material, and may widen and straighten any street in any city before and preparatory to constructing such sidewalk, upon notice and proceedings as now required in widening and straightening highways, and said notice shall contain a notice that the construction of a sidewalk is contemplated after such widening and straightening.

SECT. 2. In awarding damages to the owners for any land taken under the preceding section, and by reason of constructing such sidewalks, there shall be allowed, by way of set-off, the benefit, if any, to the property of the owner by reason thereof, said award to be filed in the office of the clerk of any such city within ten days after said award is made.

SECT. 3. In constructing such sidewalks, said board may assess upon the owners of the property abutting on such street, in just proportions, not exceeding one-half of the expense of constructing the same; and all assessments made under the provisions of this act shall be valid and binding upon the owners of such lands, and shall be a lien on such lands for one year after the same are made and notice thereof given to the persons assessed, and said lands may be sold for non-payment thereof, as in the case of non-payment of taxes on resident lands.

SECT. 4. Whenever, upon application to lay out a street or highway in any city, the mayor or aldermen shall consider it expedient, they may lay out the same upon the condition that a certain portion of the expense of laying out and constructing the same shall be assumed and paid by private persons particularly interested in obtaining such street or highway, which condition shall be fully complied with, and the money paid into the city treasury by such private parties before the construction of said street or highway shall be entered upon, and before any laying out shall be deemed valid or binding.

SECT. 5. Any owner, dissatisfied with any award of damage under the sections preceding, may file an appeal therefrom in the office of the clerk of the supreme court in the county where such land taken or such sidewalk constructed is situated, at any time

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within twenty-eight days before the return day of the term of said court next after the filing of said award in the office of said city clerk; and if said award is not filed in said city clerk's office forty days before said return day, then said appeal may be filed in said clerk's office of said court at the term of said court next subsequent to the term herein before designated; and upon such appeal, and twenty-eight days' notice thereof by an attested copy of said appeal and of the order of notice thereon, the question of damages may be tried by a jury, or the court, if the parties agree to the latter; and this section shall apply to all cases where there has been no hearing upon a petition.

SECT. 6. In any city, the mayor and aldermen of the city may lay, make, maintain, and repair all main drains or common sewers which they shall adjudge necessary for the public convenience or the preservation of the public health; and all such main drains or common sewers shall be the property of such city.

Cities authorized to construct sewers. 1870, 5: 1. (vi, 291.)

SECT. 7. Every person who enters his particular drain into any such main drain or common sewer, or who, by more remote means, receives benefit thereby, in an opportunity for draining his cellar or land, shall pay to the city a proportional part of the charge of making and repairing the same, to be ascertained, assessed upon the real estate benefited, and certified by the mayor and aldermen, and notice of every assessment shall be given to the party to be charged, or his tenant or lessee.

Property benefited by construction to be assessed therefor. 1870, 5: 2.

SECT. 8. Every assessment so made shall constitute a lien on the real estate assessed, for one year after it is laid, and may, together with incidental costs and expenses, be levied by sale of such estate, if not paid within three months after a written demand for payment, made by the collector to whom the same has been committed for collection, by warrant under the hands and seal of the mayor and aldermen, either upon the person against whom the assessment is made, or upon any person occupying the estate; such sale to be advertised and conducted in like manner as sales for the non-payment of resident taxes.

Assessment to constitute lien on property. 1870, 5: 3.

SECT. 9. Any person aggrieved by any such assessment by the mayor and aldermen, may appeal therefrom to the next term of the supreme court to be holden in the county, in the same manner and with the like effect as in the case of lands taken for a highway, at any time within three months after receiving notice of such assessment; provided, that, before making such appeal, the party shall give one month's notice in writing to the mayor and aldermen, of his intention so to appeal, and in said notice shall particularly specify his objections to the assessment made by them; to which specification he shall be confined in the subsequent hearing before the jury or other tribunal. In case of any such appeal, the lien upon the estate assessed shall continue for one year after the final rendition of judgment on the appeal, in case that judgment is in favor of the city, for the amount of that judgment.

Appeals from assessment regulated. 1870, 5: 4.

SECT. 10. Nothing herein contained shall be construed to prevent any city from providing by ordinance or otherwise that a part of the expense of constructing, maintaining, and repairing main drains or common sewers shall be paid by such city.

Cities may pay part of expenses of sewers. 1870, 5: 5.

SECT. 11. All drains and common sewers in any street or highway shall be substantially made or repaired with brick, or stone

Construction of sewers regulated. 1870, 5: 6.

and cement, or with such other materials equivalent thereto, as the mayor and aldermen shall permit or direct.

Penalty for obstructing streets, etc., without permission.
1870, 5: 7.

SECT. 12. Whoever digs or breaks up the ground in any street, highway, lane, or alley, in any city, for the purpose of laying, altering, repairing, or entering any main drain or common sewer therein, without permission from the mayor and aldermen, first had and obtained, shall forfeit five dollars for each offense.

Land taken for sewerage, proceedings same as for highways.
1873, 29: 1.

SECT. 13. Whenever it shall be adjudged necessary, by the mayor and aldermen of any city, to extend any main drain or common sewer across, upon, over, or through the land of any person or corporation, the mayor and aldermen of the city shall proceed in the manner required by law in taking land for public highways or streets; and any person or corporation, suffering damage in their property by such taking, shall have all and the same rights and remedies for the ascertainment and recovery of the amount of such damage as is provided by law for the ascertainment and recovery of damages for lands taken for public highways or streets.

Provisions of this chapter shall be in force in towns adopting the same.
1870, 5: 6.
1873, 29: 1.

SECT. 14. The provisions of this chapter, or those relating to either sidewalks or sewers, shall be in force in such towns as have adopted or may adopt the same, in which case the towns shall have the same rights as cities have by virtue of this chapter, and the selectmen of such towns shall perform all the duties and have all the powers conferred by this chapter upon the mayor and aldermen in case of cities, and the rights of all parties interested shall be settled in the same way as herein provided.

CHAPTER 79.

FERRIES.

SECTION

1. Ferryman to provide suitable boats and give attendance; penalty for neglect.
2. Rates of ferrage to be fixed by county commissioners and posted.

Ferryman to provide boats, and give attendance; penalty for neglect.
R. S. 64: 1.
C. S. 68: 1.
G. S. 72: 1.

Rates of ferrage to be fixed by county commissioners, etc.
R. S. 64: 2.
C. S. 68: 2.
G. S. 72: 2.

Penalty for demanding more.
R. S. 64: 3.
C. S. 68: 3.
G. S. 72: 3.

SECTION

3. Penalty for demanding higher rates.
4. Towns authorized to establish ferries and take stock.

SECT. 1. Every ferryman shall keep one or more good boats in good repair, suitable for the water they are to ferry over, and shall give ready and due attendance on passengers upon all occasions. If any ferryman shall neglect to provide such boat, he shall forfeit ten dollars; and if he shall neglect or refuse to give such attendance, he shall forfeit five dollars, to the use of any person who shall be injured by such neglect.

SECT. 2. The county commissioners shall determine the rates of ferrage at the several ferries in their counties, which shall be recorded by their clerk, and a copy of their order shall be served on each ferryman at the expense of the county, who shall cause the same to be affixed to some conspicuous place in his house for public inspection.

SECT. 3. If any ferryman shall demand and receive of any person for any service rendered by him as such ferryman a greater sum than the rate prescribed in such order, the same may be recovered

May increase capital stock.
Takes effect, when.

to the powers already granted, to manufacture, distribute, and sell gas for fuel, power, and heating purposes.

SECT. 4. Said corporation may increase its capital stock to an amount not exceeding five hundred thousand dollars in the whole.

SECT. 5. This act shall take effect upon its passage.
[Approved July 21, 1887.]

shall be collected and paid into the treasury and only expenses of the commissioners shall be paid out of the same. SECT. 4. The assessed value of the property shall be the same as assessed in said chapter, and the taxes now assessed thereon shall be collected and paid into the treasury.

CHAPTER 204.

AN ACT TO ENLARGE THE POWERS OF THE WOODSVILLE FIRE DISTRICT.

SECTION

- 1. Powers enlarged.
- 2. Special meeting.

SECTION

- 3. Commissioners, their election and duties.
- 4. Taxes.

Amended Law 99. P. 427.

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

Powers enlarged.

SECTION 1. The Woodville Fire District may adopt the provisions of chapter 78 of the General Laws at its annual meeting or at any special meeting called for that purpose, and have the same rights as cities have by virtue of said chapter; and the rights of all parties interested shall be settled in the same way as is therein provided.

Special meeting.

SECT. 2. Said special meeting for the adoption of the provisions of section 1 of this act, and for the choice of the commissioners in this act provided, may be called by any justice of the peace upon the petition of ten or more legal voters in said district, in the same manner as town-meetings may be called by a justice of the peace.

Commissioners, their election and duties.

SECT. 3. Said precinct shall elect a board of five commissioners at said meeting, and thereafter annually, by ballot, who shall hold their offices for one year and until their successors are chosen and qualified. The commissioners shall have all the powers of mayor and aldermen of cities respecting all matters within the legal authority of the district, and shall be, by virtue of their office, firewards and health officers. They shall control and direct the expenditure of all moneys raised under the authority of the district. They shall submit in writing an account of their receipts and disbursements for allowance, and make report of the condition of the property of the district in their care, and have the sole power of appointing a surveyor of highways for said district. The said surveyor shall give bond to the town as provided by law, and shall be deemed an officer of the town; and nothing in this act shall be construed to impose any distinct or special liability upon the district respecting highways within its limits. All highway taxes levied within the limits of the district.

AN ACT PRO

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

SECTION 1. The board of commissioners shall be a body consisting of five members, who shall be elected by the voters of said district, and shall hold their offices for one year and until their successors are chosen and qualified. They shall have all the powers of mayor and aldermen of cities respecting all matters within the legal authority of the district, and shall be, by virtue of their office, firewards and health officers. They shall control and direct the expenditure of all moneys raised under the authority of the district. They shall submit in writing an account of their receipts and disbursements for allowance, and make report of the condition of the property of the district in their care, and have the sole power of appointing a surveyor of highways for said district. The said surveyor shall give bond to the town as provided by law, and shall be deemed an officer of the town; and nothing in this act shall be construed to impose any distinct or special liability upon the district respecting highways within its limits. All highway taxes levied within the limits of the district.

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

SECTION 1. The board of commissioners shall be a body consisting of five members, who shall be elected by the voters of said district, and shall hold their offices for one year and until their successors are chosen and qualified. They shall have all the powers of mayor and aldermen of cities respecting all matters within the legal authority of the district, and shall be, by virtue of their office, firewards and health officers. They shall control and direct the expenditure of all moneys raised under the authority of the district. They shall submit in writing an account of their receipts and disbursements for allowance, and make report of the condition of the property of the district in their care, and have the sole power of appointing a surveyor of highways for said district. The said surveyor shall give bond to the town as provided by law, and shall be deemed an officer of the town; and nothing in this act shall be construed to impose any distinct or special liability upon the district respecting highways within its limits. All highway taxes levied within the limits of the district.

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shall be collected in money by the collector of other taxes, and paid into the treasury of the town separate from other moneys, and only expended with the approval and upon the order of said commissioners.

SECT. 4. Said district may vote to raise money to an amount Taxes. not exceeding one tenth of one per cent annually upon the assessed valuation of polls and property in the district, and appropriate the same for the purpose of carrying out the provisions of said chapter 78 of the General Laws, to be certified, assessed, collected, and paid over in the same manner as other fire district taxes now are.

[Approved July 21, 1887.]

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CHAPTER 205.

AN ACT PROVIDING FOR THE REPAIR AND CUSTODY OF UNION HALL IN JAFFREY.

SECTION 1. Corporation constituted.

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

SECTION 1. School District No. 2 in the town of Jaffrey, as Corporation constituted. the boundaries of the district were existing March 1, 1886, shall be a body corporate for the purpose of owning and controlling Union Hall in said district, and are authorized by a major vote to raise money, by tax assessed upon the polls and estates of said district, for repairs and the payment of outstanding indebtedness; and for these purposes the district shall choose all necessary officers in the month of March of each year.

[Approved July 21, 1887.]

CHAPTER 206.

AN ACT TO INCORPORATE THE FRANCETOWN BANK.

SECTION

- 1. Corporation constituted.
- 2. Location.
- 3. Capital stock.

SECTION

- 4. First meeting.
- 5. Subject to repeal.

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

SECTION 1. That John D. Butler, George S. Peavey, Hiram P. Corporation constituted. Clark, Hiram Patch, J. S. Mannahan, George E. Downs, Nathan

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OF RAILROAD BRIDGES AND
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- SECTION
2. Height of bridges and freight cars prescribed.
 3. Penalty for neglect to comply.
 4. Takes effect; repealing clause.

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in the first instance by the railroad corporation, but, upon its petition, the commissioners may apportion such part of the cost outside the railroad location, as is in their judgment just, to the city or town, and the railroad may recover the amount so apportioned in an action of debt. Proceedings under this act shall only be had after due notice to the railroad corporation, the town or city officials, and the land-owners, and all orders and findings of the commissioners shall be filed with the clerk of the town or city in which such bridge is located, and served upon the railroad corporation.

SECT. 2. No covered railroad bridge shall hereafter be constructed in this state with less than twenty-one feet between the top of the rails and the lowest point of the overhead structure, except with the written consent of the railroad commissioners, said consent to be filed and recorded in the office of the secretary of state, and no railroad corporation shall receive or haul any freight car exceeding fourteen feet in height from the rails to the top of the running board.

Height of bridges and freight cars prescribed.

SECT. 3. Neglect by any railroad corporation to comply with the orders of the commissioners, within a reasonable time to be specified in such orders, shall be punished by a fine of \$50 per day, to be collected by the commissioners in the name and for the use of the state in an action of debt.

Penalty for neglect to comply.

SECT. 4. This act shall take effect on its passage, and any acts or parts of acts inconsistent herewith are hereby repealed.
[Approved March 29, 1893.]

Takes effect; repealing clause.

CHAPTER 40.

AN ACT PROVIDING FOR THE APPOINTMENT OF INSPECTORS OF BUILDINGS BY CITIES AND TOWNS, AND DEFINING THEIR DUTIES.

SECTION
1. Inspector of buildings, by whom appointed; duties and compensation; regulations.

SECTION
2. Building plans must be approved by inspector; person aggrieved by non-approval may appeal.
3. Penalty.
4. Repealing clause; act takes effect.

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

SECTION 1. Any city or town may appoint an inspector of buildings for such city or town, prescribe his duties, and fix his compensation. And any city or town which shall appoint such inspector, may, by ordinance or by by-law, prescribe regulations for the construction and maintenance of all buildings in such city or town which shall be used in whole or in part for mercantile,

Inspector of buildings, by whom appointed; duties and compensation; regulations.

commercial, manufacturing, or public purposes, or as tenement houses; and all buildings hereafter erected for such purposes in such city or town shall conform to such regulations.

Building plans must be approved by inspector; person aggrieved by non-approval may appeal.

SECT. 2. Any person who shall hereafter intend to erect any building which is intended to be used in whole or in part for mercantile, commercial, manufacturing, or public purposes, or as a tenement house, in any city or town which has appointed a building inspector, shall, before erecting such building, submit the plans therefor to such inspector for his examination and approval, under the regulations prescribed by the city or town. And no building intended for such purposes shall be erected in any such city or town without the approval of the plans therefor by such inspector. If any such inspector shall refuse to approve any plans submitted to him as aforesaid, any person aggrieved thereby may appeal from the decision of such inspector to the supreme court for the county in which such city or town is situated; and the said court shall make such orders therein as justice may require.

Penalty.

SECT. 3. Any person violating any of the provisions of this act shall be fined not exceeding one thousand dollars.

Repealing clause; act takes effect.

SECT. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect upon its passage.

[Approved March 29, 1893.]

CHAPTER 41.

AN ACT RELATING TO HIGHWAY PRECINCTS.

SECTION

1. Highway precincts may raise additional sums of money.

SECTION

2. Takes effect.

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

Highway precincts may raise additional sums of money.

SECTION 1. All village precincts or districts, and chartered highway precincts or districts, shall remain unimpaired, notwithstanding the act approved March 10, 1893, to the extent that said district or precincts may raise additional sums to be expended solely on the highway within said district in the manner prescribed by the act creating them.

Takes effect.

SECT. 2. This act shall take effect upon its passage. [Approved March 29, 1893.]

AN ACT IN ADDITION TO THE LAWS RELATIVE TO HOSPITALS.

SECTION

1. Towns may vote to erect hospitals.

Be it enacted by the General Court convened:

SECTION 1. Towns may vote to erect hospitals.

SECT. 2. This act shall take effect upon its passage.

[Approved March 29, 1893.]

AN ACT IN RELATION TO THE COLLEGE OF DARTMOUTH.

SECTION

1. Trustees of Dartmouth College to receive use of Dartmouth College.

Be it enacted by the General Court convened:

SECTION 1. The trustees of Dartmouth College shall meet at a legal meeting at the college building on the first day of September next following the passage of this act.

SECT. 2. The trustees of Dartmouth College shall have in Culver hall a meeting on the first day of July 1869, in a hall; and the sun

CHAPTER 196.

AN ACT TO AMEND CHAPTER 204 OF THE LAWS OF 1887, RELATING TO THE POWERS OF THE WOODSVILLE FIRE DISTRICT, AND TO LEGALIZE, RATIFY, AND CONFIRM THE ADOPTION OF CHAPTER 204 OF THE LAWS OF 1887 AND CHAPTER 78 OF THE GENERAL LAWS BY SAID DISTRICT, AND TO RATIFY AND CONFIRM ALL SUBSEQUENT ACTS OF THE DISTRICT AND ITS OFFICERS, AND TO AUTHORIZE THE ISSUE OF BONDS BY THE DISTRICT.

SECTION

- 1. Repeal of provision as to raising of money.
- 2. Election and duties of officers; filling of vacancies.
- 3. Raising of money; proviso.
- 4. Raising of money; land and buildings; expenditures.
- 5. Bond of treasurer.
- 6. Borrowing of money.

SECTION

- 7. Accounts of commissioners; fiscal year; annual meeting.
- 8. Check-lists.
- 9. Proceedings ratified.
- 10. Issue of bonds.
- 11. District is municipal corporation within Municipal Bonds Act, 1935.
- 12. Repealing clause.
- 13. Takes effect on passage.

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

SECTION 1. Section 4 of said act is hereby repealed.

SECT. 2. Section 3 of said act is hereby amended so as to read as follows: "Said district at each annual meeting shall elect by ballot a moderator, a clerk, one auditor, a treasurer, and three commissioners. All of said officers shall be elected by a majority vote of all the voters present and voting at the annual meeting. Said officers shall exercise in relation to district meetings the like powers to those of moderator, clerk, and selectmen of towns. The commissioners shall have within the district all the powers of the mayor and aldermen of any city respecting highways, sidewalks, and sewers. They shall control and direct the expenditure of all moneys raised under authority of the district and by the town of Haverhill for expenditure in the district. They shall have sole authority to appoint a highway surveyor in said district, and in default of such appointment shall themselves perform the duties of that office. The surveyor or commissioners performing the duties of highway surveyor in the district shall give bond to the town to account for all money coming into their hands, and for the proper care and custody of the property of the town or district which may come into their custody or control, and shall be deemed officers of the town. Nothing in this act shall be construed to impose any distinct or special liability upon the district respecting highways within its limits. Vacancies that may occur in the office of commissioner in the district shall be filled by appointment of the remaining commissioners or commissioner, but any commissioner appointed to fill a vacancy shall hold office only until the next annual district meeting. Commissioners shall be residents of the district."

Repeal of provision as to raising of money.
Election and duties of officers; filling vacancies.

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Raising of money; proviso.

SECT. 3. The district at its annual meeting shall determine what amount of money, in addition to the highway taxes to be levied by authority of the town, shall be raised in the district, and what amount shall be raised for sewers, but this shall not derogate from the right of the town to raise the highway taxes for the maintenance of highways in labor outside the limits of the district. All taxes for repairing highways, building and repairing sidewalks and sewers in the district shall be raised in money, whether by authority of the town or district. Nothing in this act, however, shall be construed to derogate from the powers and duty of the town and selectmen to provide for ordinary and extraordinary repairs of bridges, culverts, highways, and embankments, and for the construction of new highways that may be laid out in town.

Raising of money; land and buildings; expenditures.

SECT. 4. Said district may vote to raise money at any meeting, in addition to the amount raised by the town for expenditure in the district, not exceeding one per cent annually upon the assessed valuation of polls and property in said district, for any lawful purposes, including repairing of highways, making and repairing sidewalks and sewers in the district, to purchase materials, tools, and apparatus, to purchase and lease lands and buildings, and to erect suitable buildings for the use of the district, but the land purchased for district buildings shall not exceed one-half acre. The district may by vote raise money and appropriate the same in carrying out the provisions of chapter 79 of the Public Statutes in said district. All votes to raise money by taxation shall be certified by the clerk of the district and seasonably transmitted to the selectmen of the town, and the sum so voted shall be assessed, collected, and paid over from the town treasury to the treasurer of said district upon the order of the selectmen, in the same manner that highway taxes in said district are now assessed, collected, and paid over to the commissioners of the district. The commissioners shall draw orders upon the district treasurer for the payment of all accounts and claims against the district allowed by them, and take proper vouchers therefor. All highway and sewerage taxes levied in the district shall be collected in money by the collector of other taxes in town, and in the first instance paid into the town treasury. A separate account of the same shall be kept by the town treasurer, but said funds shall be expended and accounted for by the district commissioners.

Bond of treasurer.

SECT. 5. The district treasurer shall within six days after his election or appointment, and before entering upon the duties of his office, give bond to the district, with sufficient sureties to the acceptance of the district or the commissioners, for the faithful performance of his official duty, in form like that of county officers, and in default thereof the office shall be vacant.

Borrowing of money.

SECT. 6. The commissioners, upon authority given them by a vote of two thirds of all the voters present and voting at any annual or special meeting, may borrow money upon the credit of the district, to be used only for the purposes of the district.

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SECT. 7. The district commissioners shall annually prepare and submit in printed pamphlets a detailed account of all their transactions, their receipts and expenditures, statements of the prices paid for labor and material, to whom, for whom, and for what all such payments have been made, a statement of the indebtedness of the district, if any exist, and a statement of all outstanding bills due or claimed to be due against the district at the close of the fiscal year. Such accounts shall be audited by the district auditors before the first day of March in each year, and in their report said auditors shall state in regard to any illegal expenditures that they may find in the transactions of the commissioners or of the surveyor of the district. The fiscal year of the district shall end on the first day of March. The annual meeting shall be holden in the month of March after the second Tuesday. In every case vouchers shall be taken for different funds paid out.

Accounts of
 commissioners;
 fiscal
 year; annual
 meeting.

SECT. 8. Upon the petition of twenty voters in the district, the selectmen and supervisors shall cause a check-list to be prepared and used at the annual district meeting, in the same manner as is provided for the use of check-lists in meetings of school districts; provided, that such petition shall be filed fourteen days at least prior to the time of the annual March town meeting. At special district meetings the check-list as corrected for the last annual or biennial meeting in town shall be used upon petition of twenty legal voters addressed to the supervisors of the check-list.

Check-lists.

SECT. 9. The proceedings of the Woodsville fire district in adopting the provisions of chapter 204 of the laws of 1887, and of chapter 78 of the General Laws, are hereby ratified and confirmed, and the said statutes are declared to have been duly adopted and to have been in force and effect in the said district from the nineteenth day of March, 1888, and all subsequent proceedings of the district and acts of its commissioners and officers are hereby ratified, confirmed, and legalized.

Proceedings
 ratified.

SECT. 10. The proceedings of the district taken on the fifteenth of September, 1898, and of the commissioners of the district on the twenty-seventh of September, 1898, for the issue of bonds of the district to the amount of twelve thousand dollars, are hereby ratified, confirmed, and legalized, and the treasurer of the district is authorized and directed to issue and sell such bonds accordingly. Such bonds shall be issued under and subject to all the terms and provisions of the Municipal Bonds Act, 1895.

Issue of
 bonds.

SECT. 11. The Woodsville Fire District is declared to be a municipal corporation within the meaning of the Municipal Bonds Act, 1895, and to have the power and authority vested in municipal corporations by the said act.

District is
 municipal
 corporation
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 cipal Bonds
 Act, 1895.

SECT. 12. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repealing
 clause.

SECT. 13. This act shall take effect upon its passage.
 [Approved March 9, 1899.]

Takes effect
 on passage.

JOURNAL OF THE HOUSE

WEDNESDAY, FEBRUARY 8, 1899.

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So much of the matter as referred to reforms in the militia was referred to the Committee on Military Affairs.

On motion of Mr. Law of New London, at 4.30, the House adjourned.

WEDNESDAY, FEBRUARY 8, 1899.

The House met at 11 o'clock.

Prayer was offered by Rev. William Harry Hutchins of Concord, New Hampshire.

REPORTS OF COMMITTEES.

(Mr. Little of Manchester in the chair.)

Mr. Batchelder, for the Committee on the Judiciary, to whom was referred "An act to amend chapter 204 of the Laws of 1887, relating to the powers of the Woodsville Fire District, and to legalize, ratify, and confirm the adoption of chapter 204 of the Laws of 1887 and chapter 78 of the General Laws by said District, and to ratify and confirm all subsequent acts of the District and its officers, and to authorize the issue of bonds by the District," reported the same with the recommendation,—that the object sought cannot be obtained under the general law, and that the bill be referred to the Committee on Incorporations.

The report was accepted and the bill laid upon the table to be printed. On motion of Mr. Remick of Littleton, the rules were suspended and the printing dispensed with and the bill referred to the Committee on Incorporations.

Mr. Batchelder, for the Committee on the Judiciary, to whom was referred "An act to define what shall be deemed county houses of correction, and providing for commitments thereto," reported the same with the recommendation,—that the bill ought to pass.

The report was accepted and, on motion of Mr. Remick of Littleton, the rules were suspended and the printing dispensed

AL OF THE HOUSE.

the Committee on Public Improve-

er as referred to the public printing
Committee on Retrenchment and Reform.

er as referred to the tax laws was re-
Committee on Apportionment.

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referred to the State Treasurer's
Committee on Banks.

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e Committee on Railroads.

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with and the bill read a third time and passed and sent to the Secretary of State to be engrossed.

Mr. Batchelder, for the Committee on the Judiciary, to whom was referred "An act to enable the Union High School District of Woodsville, in the town of Haverhill, to issue bonds for the purpose of purchasing land and erecting thereon a high school building," reported the same with the recommendation,—that the object sought cannot be obtained under the general law, and that the bill be referred to the Committee on Incorporations.

The report was accepted and the bill laid upon the table to be printed. On motion of Mr. Remich of Littleton, the rules were suspended and the printing dispensed with and the bill referred to the Committee on Incorporations.

Mr. McLane, for the Committee on Appropriations, to whom was referred "Joint resolution appropriating money for the continuing the work of indexing the records in the office of the Secretary of State," reported the same with the following amendment: Strike out the word "twelve" in the first line and insert the word "ten" in place thereof,—and recommended its passage.

The report was accepted and the amendment adopted and the joint resolution ordered to a third reading. On motion of Mr. Robinson of Manchester, the rules were suspended and the joint resolution read a third time and passed and sent to the Senate for concurrence.

Mr. Young, for the Committee on Appropriations, to whom was referred "Joint resolution in favor of certain hospitals for care of sick soldiers," reported the same with the recommendation,—that the joint resolution ought to pass.

The report was accepted and the joint resolution ordered to a third reading. On motion of Mr. Young of Manchester, the rules were suspended and the joint resolution read a third time and passed and sent to the Senate for concurrence.

Mr. Battles, for the Committee on Fisheries and Game, to whom was referred "An act in amendment of section 1, chapter 10 of the Laws of 1897, making it legal to kill deer in the

rd time and passed and sent to engrossed.

Committee on the Judiciary, to enable the Union High School town of Haverhill, to issue bonds and erecting thereon a high the same with the recommenda- cannot be obtained under the be referred to the Committee on

nd the bill laid upon the table. e. Remick of Littleton, the printing dispensed with and the on Incorporations.

Committee on Appropriations, to resolution appropriating money of indexing the records in the to," reported the same with the e out the word "twelve" in the d "ten" in place thereof,—and

ed the amendment adopted and o a third reading. On motion r, the rules were suspended and rd time and passed and sent to

tee on Appropriations, to whom n in favor of certain hospitals orted the same with the recom- solution ought to pass.

l the joint resolution ordered to of Mr. Young of Manchester, the joint resolution read a third e Senate for concurrence.

tee on Fisheries and Game, to amendment of section 1, chap- tking it legal to kill deer in the

towns of Lyme, Dorchester, and Wentworth," reported the same with the recommendation,—that the bill ought to pass.

The report was accepted and the bill laid upon the table to be printed. On motion of Mr. Battles of Concord, the rules were suspended and the printing dispensed with and the bill read a third time and passed and sent to the Senate for concurrence.

Mr. Battles, for the Committee on Fisheries and Game, to whom was referred "An act to amend section 1, chapter 10 of the Laws of 1897, protecting moose and other animals," reported the same with the resolution,—that it is inexpedient to legislate, as the subject matter thereof is included in House Bill No. 304, which has been favorably reported by the committee.

Mr. Law, for the Committee on Military Affairs, to whom was referred "Joint resolution providing for additional pay for New Hampshire volunteers in the late war," reported the same with the resolution,—that it is inexpedient to legislate, for the reason that the matter has been fully covered in a joint resolution upon which the committee has reported favorably.

The reports were accepted and the resolutions severally adopted.

Mr. Hoyt, for the Committee on Fisheries and Game, to whom was referred "An act for the better protection of game birds," reported the same with the recommendation,—that the bill ought to pass.

Mr. Lull, for the Committee on Insurance, to whom was referred "An act in amendment of chapter 42 of the Session Laws of 1897, entitled An act in relation to the forfeiture of life insurance policies," reported the same with the recommendation,—that the bill ought to pass.

Mr. Mitchell, for the Committee on Public Health, to whom was referred "An act in amendment of chapter 45 of the Pamphlet Laws of 1897, relative to appointments of boards of health in the several towns," reported the same with the recommendation,—that the bill ought to pass.

Mr. Battles, for the Committee on Fisheries and Game, to

whom was referred "An act in amendment of chapter 41 of the Session Laws of 1897, relating to the better protection of brook or speckled trout," reported the same with the recommendation.—that the bill ought to pass.

The reports were accepted and the bills severally laid upon the table to be printed.

Mr. Thompson, for the Committee on Banks, to whom was referred "An act to incorporate the Hillsborough County Savings Bank," reported the same with the recommendation.—that the bill ought to pass with the following amendment: Strike out all of section 3 and substitute therefor:

SECT. 3. Said corporation may purchase, hold, and acquire, by foreclosure of mortgage or otherwise, such real estate as savings banks are permitted to hold under the General Laws of the state.

The report was accepted and the amendment adopted and the bill laid upon the table to be printed.

Mr. Batchelder, for the Committee on the Judiciary, to whom was referred "An act to amend the charter of the Dover Home for Aged People," reported the same with the recommendation,—that the bill ought to pass.

The report was accepted and, on motion of Mr. Wason of Nashua, the rules were suspended and the printing dispensed with and the bill read a third time and passed and sent to the Senate for concurrence.

SPECIAL ORDER.

On motion of Mr. Pillsbury of Londonderry, the rules were suspended and the special order was given precedence over the general order.

(The Speaker in the chair.)

Mr. Pillsbury then called for the special order, it being "An act in amendment of chapter 112, section 23 of the Public Statutes, and in repeal of all statutory provisions giving to complainants or prosecutors the whole or any part of the penalty imposed for the violation of a statute," and the accompanying committee reports.

The question being upon the motion of Mr. Remick of Lit-

leton, that the
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Mr. Clough, for the Committee on Public Health, to whom was referred "An act to prevent the spread of infectious and contagious diseases among school children," reported the same with the resolution,—that it is inexpedient to legislate.

The reports were accepted and the resolutions severally adopted.

Mr. Batchelder, for the Committee on the Judiciary, to whom was referred "An act to incorporate The Knights of Pythias Home of New Hampshire," reported the same with the recommendation,—that the object sought cannot be obtained under the general law, and that the bill be referred to the Committee on Incorporations.

The report was accepted and the bill laid upon the table to be printed.

Mr. Young, for the Committee on Appropriations, to whom was referred "Joint resolution in favor of placing buoys in Squam lake," reported the same with the recommendation,—that the joint resolution ought to pass.

Mr. Allen, for the Committee on Incorporations, to whom was referred "An act to authorize the Union High School District of Woodsville, in the town of Haverhill, to issue bonds for the purpose of purchasing land and erecting thereon a high school building," reported the same with the recommendation,—that the bill ought to pass.

The reports were accepted and the bill and joint resolution ordered to a third reading.

Mr. Cole, for the Committee on Incorporations, to whom was referred "An act to amend chapter 204 of the Laws of 1887, relating to the powers of the Woodsville Fire District, and to legalize, ratify, and confirm the adoption of chapter 204 of the Laws of 1887 and chapter 78 of the General Laws by said District, and to ratify and confirm all subsequent acts of the District and its officers, and to authorize the issue of bonds by the District," reported the same with the recommendation,—that the bill ought to pass.

The report was accepted and, on motion of Mr. Remick of Littleton, the bill and report were laid upon the table.

Mr. Young, for the Committee on Appropriations, to whom was referred "Joint resolution in favor of placing buoys in Squam lake," and recommended its passage.

The report was accepted and the resolution ordered to a first reading.

Mr. Law, for the Committee on Appropriations, to whom was referred "Joint resolution authorizing the Soldiers and Sailors Home to purchase land," recommended its passage.

The report was accepted and the resolution ordered to a first reading.

Mr. Johnson, for the Committee on Appropriations, to whom was referred "An act to amend chapter 204 of the Laws of 1887, relating to the powers of the Woodsville Fire District," recommended its passage.

Amend section 3 of the seventh line, the permission of the municipality such regulations and

Amend section 9 by inserting in place the section as amended section 8 the following

SECT. 9. And if such at least 25 per cent of the actual construction the provisions of this therefore be void and

Mr. Young, for the Committee on Appropriations, to whom was referred "Joint resolution in favor of placing buoys in Squam lake," and recommended its passage.

Mr. Young, for the Committee on Appropriations, to whom was referred "An act to amend chapter 204 of the Laws of 1887, relating to the powers of the Woodsville Fire District," and recommended its passage.

The Committee of the Whole, having had under consideration "Joint resolution for reimbursing the town of Newport for expenditures in relief of families of soldiers from that town in the late War with Spain," reported the same with the resolution,—that it is inexpedient to legislate.

The reports were accepted and the resolutions severally adopted.

TAKEN FROM THE TABLE.

On motion of Mr. Remich of Littleton, "An act to amend chapter 204 of the Laws of 1887, relating to the powers of the Woodsville Fire District, and to legalize, ratify, and confirm the adoption of chapter 204 of the Laws of 1887 and chapter 78 of the General Laws by said District, and to ratify and confirm all subsequent acts of the District and its officers, and to authorize the issue of bonds by the District," and the accompanying committee report, were taken from the table and the following amendments, offered by Mr. Remich of Littleton, were adopted:

Amend section 2 by striking out the word "three," in the third line, and inserting the word "one" in place thereof, and by striking out of section 2 after the word "commissioner," in the fourth line, "one of whom shall be elected at the first annual meeting after the passage of this act for one year, one for two years, and one for three years, and after the first year one shall be elected at each annual meeting for a term of three years."

On motion of Mr. Remich of Littleton, the rules were suspended and the bill read a third time by title and passed and sent to the Senate for concurrence.

REPORT OF COMMITTEE.

On motion of Mr. Preston of New Ipswich, the rules were suspended and business in order tomorrow morning at 11 o'clock was made in order at the present time.

Mr. Preston, for the Committee on Education, to whom was referred "An act to equalize the school privileges of the towns and cities of the state," reported the same in a new draft, with the recommendation,—that the bill ought to pass.

The report was accepted and on motion of Mr. Preston of New Ipswich the bill read a second time and the same was dispensed with and the bill passed. Appropriations.

On motion of Mr. Pillsbury of Littleton, the House adjourned.

WI

The House met at 10 o'clock. Prayer was offered by the clerk.

REPORTS OF

Mr. Ellis, for the Committee on Education, referred "An act in relation to the management of the schools and the management of the same," and the management of the same, and the recommendation,—that the bill be referred to the Committee on Education.

Mr. Putnam, for the Committee on Education, referred "An act for the regulation of the testing of milk and cream," and the recommendation,—that the bill be referred to the Committee on Education.

Mr. Mulligan, for the Committee on Education, referred "An act to prevent the sale of milk and cream," and the recommendation,—that the bill be referred to the Committee on Education.

Mr. Morrill, for the Committee on Education, referred "An act to provide for the highway between the Massachusetts Main-street bridge across the river," reported the same with the recommendation,—that the bill ought to pass.

The reports were accepted and the bills were taken from the table to be printed.

Mr. Burke, for the Committee on Education, referred "Joint resolution in favor of the establishment of a normal school," and the recommendation,—that the bill be referred to the Committee on Education.

and for the payment of funeral expenses of those of its members who may die.

Right to hold property.

SECT. 3. Said corporation shall have the power to hold real and personal property or estate by gift or otherwise, to the amount not exceeding twenty-five thousand dollars and may dispose of the same at pleasure.

First meeting.

SECT. 4. The first five persons named in this act may call the first meeting of said corporation by giving notice to each of the others at least two days before the date of said meeting.

Takes effect on passage.

SECT. 5. This act shall take effect upon its passage.

[Approved March 6, 1913.]

CHAPTER 313.

AN ACT TO AMEND CHAPTER 204 OF THE LAWS OF 1887, RELATING TO THE POWERS OF THE WOODSVILLE FIRE DISTRICT, AS AMENDED BY CHAPTER 196 OF THE LAWS OF 1899.

SECTION

1. Powers of commissioners.

SECTION

2. Takes effect on adoption.

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

Powers of commissioners.

SECTION 1. Amend section 3 of said chapter 204 by inserting the following clause after the word "sewers" in said section 3, also the powers conferred by section 1, chapter 40, Laws of 1893, and shall be by virtue of their office firewards; so that said section when amended shall read as follows: [SECT. 3.] Said district at each annual meeting shall elect by ballot a moderator, a clerk, one auditor, a treasurer, and three commissioners. All of said officers shall be elected by a majority vote of all the voters present and voting at the annual meeting. Said officers shall exercise in relation to district meetings the like powers to those of moderator, clerk, and selectmen of towns. The commissioners shall have within the district all the powers of the mayor and aldermen of any city respecting highways, sidewalks, and sewers; also the powers conferred by section 1, chapter 40, Laws of 1893, and shall be by virtue of their office firewards. They shall control and direct the expenditure of all moneys raised under the authority of the district and by the town of Haverhill for expenditure in the district. They shall have sole authority to appoint a highway surveyor in said district, and in default of such appointment shall themselves per-

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CHAPTER 314.

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form the duties of that office. The surveyors or commissioners performing the duties of highway surveyor in the district shall give bond to the town to account for all money coming into their hands, and for the proper care and custody of the property of the town or district which may come into their custody or control, and shall be deemed officers of the town. Nothing in this act shall be construed to impose any distinct or special liability upon the district respecting highways within its limits. Vacancies that may occur in the office of commissioner in the district shall be filled by appointment of the remaining commissioners or commissioner, but any commissioner appointed to fill a vacancy shall hold office only until the next annual district meeting. Commissioners shall be residents of the district.

SECT. 2. This act shall not take effect unless it is adopted by a majority vote at an annual meeting of said Woodsville Fire District. The commissioners shall insert in their warrant an article providing for taking the sense of the qualified voters upon the following question: Shall the provisions of an act passed at the January Session 1913, entitled "An Act to enlarge the Powers of the Commissioners of the Woodsville Fire District," be adopted? ^{Takes effect on adoption.}

[Approved March 6, 1913.]

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CHAPTER 314.

AN ACT IN RELATION TO THE PHENIX MUTUAL FIRE INSURANCE COMPANY OF CONCORD, NEW HAMPSHIRE.

SECTION

1. Corporation constituted; powers.
2. Guaranty capital.
3. Authorized business.

SECTION

4. Meeting for reorganization.
5. Takes effect on passage.

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

SECTION 1. The Phenix Mutual Fire Insurance Company of Concord, New Hampshire, organized under the general laws of New Hampshire, August 3, 1886, is hereby declared to be a corporation and its organization is hereby continued, with authority to have and exercise all the powers and privileges incident to corporations of a similar nature, except as limited or extended by this act, for the purpose of making and effecting insurance against loss and damage to property by fire or lightning. ^{Corporation constituted; powers.}

committee shall serve without compensation shall receive mileage at the legislative committee.

section ending June 30, 1990, is amended in section 1 of this act for the purpose of nonlapsing. The governor is authorized to use any money in the treasury not

upon its passage.

1066)

ON OF BINGO GAMES.

representatives in General Court

7, XV is repealed and reenacted

in accordance with RSA 287-E:7, amended on any one game date by a game may be run, not to exceed 24 numbers on the card in at 50 and may be incremented 10 to 60 numbers, where it shall be awarded in addition to RSA 287-E:7, XIII. This progression with a bonus prize of up to 24 numbers on the card are covered as part of the winner take all on package games.

upon its passage.

1084)

ARE COMMUNITIES.

representatives in General Court

read as follows: to or were under the supervision of the department of justice under RSA 7:19 from the provisions of this chap-

er. However, any such facility may elect by a one-time irrevocable election to be subject to the provisions of this chapter by filing an application for a permanent certificate of authority with the commissioner.

36:2 Effective Date. This act shall take effect January 1, 1991.

[Approved March 23, 1990.]

[Effective Date January 1, 1991.]

CHAPTER 37 (HB 1138)

AN ACT TO CHANGE THE FORMULA FOR THE DISTRIBUTION OF HIGHWAY FUNDS IN THE WOODSVILLE FIRE DISTRICT.

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

37:1 Distribution of Highway Funds in Woodsville Fire District. Amend RSA 1887, 204:3, as amended by 1899, 196:2, to read as follows:

SECT. 3. Said district at each annual meeting shall elect by ballot a moderator, a clerk, one auditor, a treasurer, and three commissioners. All of said officers shall be elected by a majority vote of all the voters present and voting at the annual meeting. Said officers shall exercise in relation to district meetings the like powers to those of moderator, clerk, and selectmen of towns. The commissioners shall have within the district all the powers of the mayor and aldermen of any city respecting highways, sidewalks, and sewers. They shall control and direct the expenditure of all moneys raised under authority of the district and by the town of Haverhill for expenditure in the district. They shall have sole authority to appoint a highway surveyor in said district, and in default of such appointment shall themselves perform the duties of that office. The surveyor or commissioners performing the duties of highway surveyor in the district shall give bond to the town to account for all money coming into their hands, and for the proper care and custody of the property of the town or district which may come into their custody or control, and shall be deemed officers of the town. Nothing in this act shall be construed to impose any distinct or special liability upon the district respecting highways within its limits. Vacancies that may occur in the office of commissioner in the district shall be filled by appointment of the remaining commissioners or commissioner, but any commissioner appointed to fill a vacancy shall hold office only until the next annual district meeting. Commissioners shall be residents of the district. The money appropriated for the distribution of highway funds in the district which is attributable to the town of Haverhill shall not exceed 20 percent of the total amount of expenditures authorized at the town meeting.

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

[Approved March 23, 1990.]

[Effective Date May 22, 1990.]

1990

Town of Haverhill

Selectmen's Office, Municipal Building
35 Court Street
Woodsville, N.H. 03785 803-747-3318

MEMORANDUM OF UNDERSTANDING


The Haverhill Board of Selectmen and the Woodsville Fire District Commissioners are in agreement with the following conditions in connection with the expansion of the Woodsville Fire District boundaries:

- [1] That the Woodsville Fire District will provide winter maintenance for the roads leading to the Eden Aldrich property and the road leading past the residences of Simonds and Beckley;
- [2] That grader purchases will be excluded from the road money computation;
- [3] That the vehicle capital reserve fund will be used for the purchase of police cruisers and graders--but if it should be used for trucks or the purchase of a loader--Woodsville Fire District will get their proportionate share;
- [4] That the Woodsville Fire District will receive their proportionate share on all special highway projects.
- [5] That the precinct taxes shall be assessed to owners of property in the expansion area as of 4/01/91;
- [6] That the effective date for the expansion of the boundaries shall be December 1st, 1990.


WOODSVILLE FIRE DISTRICT
COMMISSIONERS



JOSEPH C. MACCINI



RICHARD L. GUY



LAWRENCE P. COREY

HAVERHILL BOARD OF SELECTMEN



RICHARD G. KINDER



HARRY E. SIMANO



ERNEST A. TOWNE

Subscribed to and sworn before me this _____ day of June
1990.



Notary Public

1995

FIRST AMENDMENT
TO
"MEMORANDUM OF UNDERSTANDING"

The Town of Haverhill, by and through its Board of Selectmen, and the Woodsville Fire District, by and through its Board of Commissioners, hereby amend their "Memorandum of Understanding" {originally effective 12/01/90} as follows:

1. Conditions One (1) through Six (6) shall remain in full force and effect.
2. With respect to the calculation of tax monies to be returned by the Town of Haverhill to the Woodsville Fire District, it is agreed that:
 - a. The language of the Special Act authorizing and mandating such payment(s) is in need of interpretation, and
 - b. The Board of Selectmen and Board of Commissioners have determined that the following formula represents their best judgment and agreement as to the proper implementation of said Special Act:

The net operating budget of the Town of Haverhill Highway Department, including the budget for the Town Highway Garage, shall be divided by a factor of 80%. The resulting figure shall be the total amount of money budgeted for road maintenance by the Town of Haverhill and 20% of that amount shall be returned to the Woodsville Fire District as the so-called "Woodsville Road Money" pursuant to said Special Act.

By way of example, for the 1994 fiscal year the amount budgeted to operate the Town of Haverhill Highway Department was \$359,436.00. Eighty per cent divided into \$359,436.00 equals \$449,295.00. The Woodsville Fire District received 20% of the latter amount or \$89,859.00.

3. The above formula shall remain in effect unless and until amended or rescinded by agreement of the Town of Haverhill and the Woodsville Fire District.

Dated at Woodsville, NH this 13 day of January, 1995.

WOODSVILLE FIRE DISTRICT

by: [Signature]
Richard L. Guy, Commissioner

[Signature]
Joseph C. Macchini, Commissioner

[Signature]
Lawrence P. Corey, Commissioner

TOWN OF HAVERHILL

[Signature]
Richard G. Kinder, Selectman

[Signature]
Ernest A. Towne, Selectman

[Signature]
Michael G. Graham, Selectman

MINUTES OF HAVERHILL SELECTBOARD REGULAR MEETING
Monday, October 27, 2008

Board Members Present: Roderick Ladd, David Joslin, Robert Maccini, Peter Conrad and Peter Heilemann.

Town Manager: Glenn English

Administrative Assistant/Finance Officer: excused

Members of the Public Present: Joel Godston, Robert Clifford

Call Meeting to Order:

Chairman Ladd called the meeting to order at 6:00 p.m.

Approval of Agenda:

Dave Joslin made a motion approve the agenda as written; seconded by Peter Conrad and carried unanimously.

Approval of Consent Agenda:

Peter Conrad made a motion to approve the Consent Agenda, seconded by Peter Heilemann and all approved.

Scheduled Public Appearances: None

Public Hearing(s): None

Town Manager's Report:

TM English reported that the Board needed to name the business park road soon so that the lots could be addressed. Peter Conrad suggested "Business Park Rd". TM English reported that the emergency generator has been installed, tested and is operational. All that remains is construction of the security fence, which Mr. Clifford will be doing. The project came in on budget.

TM English asked if the Board would approve a change to the HCMS Gym Usage agreement, adding Fridays to the schedule. All approved.

Pending (Old) Business:

Revised Personnel Manual: After a review of the 10/14/08 draft the following change was made: page 46 WORKPLACE SEARCHES delete "weapons" from first sentence. Sentence should read, "To safeguard the safety and property of the Town's employees, residents, and the Town and to help prevent the possession and use of illegal drugs or substances or other

illegal items on Town premises..." Bob Maccini made a motion to approve the Personnel Policies and Procedures Manual, with the noted corrections, seconded by Dave Joslin and all approved.

Woodsville Road Funding: Chairman Ladd presented a proposal to amend the "Memorandum of Understanding" between the Selectboard and the Woodsville Fire District Commissioners to change the road funding formula for the District (see attached). All agreed that the changes more fairly reimbursed the residents of the Fire District for their share of road costs. The formula will be based on assessed valuation as reflected each year in the MS-1 document. The District will also receive a share of the "Highway Block Grant" based on population and road miles. TM English reported that Senator Reynolds has drafted and introduced the legislative changes required. He said we may need to request quick action by the Governor so that this would be done by town meeting day. Bob Maccini made a motion to approve the amendment with the concurrence of the Woodsville Fire District Commissioners, seconded by Peter Conrad. Peter Conrad requested that the Chair also vote. The motion was unanimously approved by all Selectboard members. Chairman Ladd said he would present the amendment to the Commissioners.

Budget Process '09: David Joslin stated he thought the Selectboard should attend the budget meetings with the budget committee but should not take any positions on the town manager's budget until the budget committee made their recommendations. Bob Maccini stated the process, that the town manager prepares his budget and then it goes to the advisory budget committee which has no statutory authority but is authorized by town meeting to review the town manager's budget and make recommendations to the Selectboard. Rick Ladd wanted to make sure that the Selectboard has time to discuss any new programs or items during the process. TM English reported that there will only be one new item in his '09 budget which will be the new assessing software and hardware. He will have a proposal on this by mid-November. He also stated that his budget could be completed by the end of November which would allow more time for the review process. The Board agreed that the process should begin as soon as possible.

New Business:

Revisions to Building Permit Resolution, Fee Schedule and Application: Rick Ladd reviewed the changes agreed to by the three fire chiefs. The changes insure that the process will be consistently applied throughout the Town. After review, Peter Heilemann made a motion to approve the revised resolution, seconded by Dave Joslin and all approved.

Commission/Committee Reports: None

Correspondence:

A letter was received from Wayne Presby asking to hook up to the sewer system. After a discussion of hook up policy it was decided that TM English would get clarification from town attorney on the pending hook up agreements so that the Board can bring some closure to the process. TM English was instructed to gather required information from Presby Construction so that a hook up agreement draft would be ready for the next Selectboard meeting.

Comments of the Public: None

**Comments of the Town Manager/Administrative Assistant-Finance Officer:
None**

Comments of Selectboard Members: None

Adjourn Meeting: Bob Maccini made a motion to adjourn, seconded by David Joslin and carried unanimously. Chairman Ladd adjourned the meeting at 6:58 pm.

Minutes transcribed by Glenn English

2008

Haverhill Selectboard Addendum Proposal (9/16/08)
to
~~the~~ ~~First~~ AMENDMENT
of
"MEMORANDUM OF UNDERSTANDING"

All sections of the First Agreement will remain the same as dated January 1995, with the exception of section 2.b that is changed to read:

b. The Board of Selectmen and the Board of Commissioners have determined that the following formula represents their best judgment and agreement as to the proper implementation of said Special Act:

The net operating budget of the Town of Haverhill Highway Department, including the budget for the Town Highway Garage, shall be divided by an annual percentage factor based upon the annual updated Woodsville Fire District property valuation percentage of the Town of Haverhill property valuation as determined from the Annual Town of Haverhill MS-1 Summary Inventory of Valuation. The resulting figure shall be the total amount of money budgeted for road maintenance by the Town of Haverhill with the annual percentage factor (determined from the above stated MS-1 report) of the total road budget returned to the Woodsville Fire District as the so-called "Woodsville Road Money" pursuant to said Special Act.

By way of example, the 2008 fiscal year budgeted amount to operate the Town of Haverhill Highway Department was \$782,255. Seventy-four percent (based upon the 2007 MS-1) divided into \$782,255 equals \$1,057,101 (Total Highway Budget). The Woodsville Fire District would receive 26% of the Total Highway Budget) or \$274,846.

The total highway Block Grant revenue to the Town of Haverhill will be divided into two (2) pots of 50% each. From the population pot, the Woodsville Fire District will receive an amount of revenue based upon Woodsville's population obtained from the most recent US Census data in proportion to the entire Town population. Revenue from the second pot will be disbursed based upon Woodsville's Class V road mileage in proportion to the total Town Class V mileage.

For example, the 2008 Haverhill Highway Block Grant revenue is \$142,996. The Woodsville population is 1,081 and the total Town population is 4,416. Woodsville has 24.5% of the population. Woodsville will receive 24.5% of the first pot. ($\$71,498 \times 24.5\% = \$17,517.01$) Woodsville will also receive 13.7% of the Class V road mileage from pot 2. ($\$71,498 \times 13.7\% = \$9,795$.)

Based upon the above figures, the Woodsville Fire District will receive:
 $\$17,517.01 + \$9,795 = \$27,312.01$

To become effective, the Haverhill Selectboard and Woodsville Commissioners must approve this agreement. The proposed change also requires statutory approval by the New Hampshire Legislature.

ADOPTED 10/27/08, SUBJECT TO APPROVAL BY WFD COMMISSIONERS

2009

SB 75 - FINAL VERSION

03Jun2009... 1659h

2009 SESSION

09-0159
06/03

SENATE BILL 75

AN ACT changing the formula for distribution of highway funds in the Woodsville fire district and ratifying the establishment of the West Ossipee fire precinct as a village district.

SPONSORS: Sen. Reynolds, Dist 2; Rep. Ladd, Graf 5; Rep. Ingbretson, Graf 5

COMMITTEE: Public and Municipal Affairs

AMENDED ANALYSIS

This bill:

I. Provides a formula for determining the amount attributable to the town of Haverhill for appropriation to the highway funds in the Woodsville fire district.

II. Ratifies the establishment of the West Ossipee fire precinct as a village district.

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.

SB 75 - FINAL VERSION

03Jun2009... 1659h

09-0159

06/03

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nine

AN ACT changing the formula for distribution of highway funds in the Woodsville fire district and ratifying the establishment of the West Ossipee fire precinct as a village district.

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

1 1 Distribution of Highway Funds in Woodsville Fire District. Amend 1887, 204:3, as amended
2 by 1899, 196:2 and 1990, 37:1, to read as follows:

3 SECT. 3. Said district at each annual meeting shall elect by ballot a moderator, a clerk, one
4 auditor, a treasurer, and three commissioners. All of said officers shall be elected by a majority vote
5 of all the voters present and voting at the annual meeting. Said officers shall exercise in relation to
6 district meetings the like powers to those of moderator, clerk, and selectmen of towns. ~~The~~
7 ~~commissioners shall have within the district all the powers of the mayor and aldermen of any city~~
8 ~~respecting highways, sidewalks, and sewers.~~ They shall control and direct the expenditure of all
9 moneys raised under authority of the district and by the town of Haverhill for expenditure in the
10 district. They shall have sole authority to appoint a highway surveyor in said district, and in default
11 of such appointment shall themselves perform the duties of that office. The surveyor or
12 commissioners performing the duties of highway surveyor in the district shall give bond to the town
13 to account for all money coming into their hands, and for the proper care and custody of the property
14 of the town or district which may come into their custody or control, and shall be deemed officers of
15 the town. Nothing in this act shall be construed to impose any distinct or special liability upon the
16 district respecting highways within its limits. Vacancies that may occur in the office of
17 commissioner in the district shall be filled by appointment of the remaining commissioners or
18 commissioner, but any commissioner appointed to fill a vacancy shall hold office only until the next
19 annual district meeting. Commissioners shall be residents of the district. ~~The money appropriated~~
20 ~~for the distribution of highway funds in the district which is attributable to the town of Haverhill~~
21 ~~shall not exceed 20 percent of the total amount of expenditures authorized at the town meeting. The~~
22 ~~determined by a fraction, the numerator of which shall be the assessed valuation of the~~
23 ~~properties in the district, and the denominator of which shall be the assessed valuation of~~
24 ~~the properties in the entire town of Haverhill as determined annually from the town MS-1~~
25 ~~form. The town of Haverhill shall appropriate the percentage represented by such fraction~~
26 ~~for distribution to the highway fund in care of the Woodsville fire district commissioners.~~
27 ~~The district shall also receive a proportionate share of the state highway block grant funds~~
28 ~~received by the town in the previous year based on the population and road mileage of the~~
29 ~~district compared to the population and road mileage of the entire town of Haverhill.~~

SB 75 - FINAL VERSION

- Page 2 -

1 2 Establishment of West Ossipee Fire Precinct as Village District; Bond Warrant Article
2 Approved. The status of the West Ossipee fire precinct as a village district and a body corporate and
3 politic under RSA 52 is hereby legalized, ratified, and confirmed, regardless of the fact that the
4 precinct may not have followed the procedures required by RSA 52, and as such, the bond warrant
5 article passed at the January 10, 2009 annual meeting of the precinct which authorized the purchase
6 and construction of a new fire station on Jewell Hill Road is hereby legalized, ratified, and
7 confirmed.

8 3 Effective Date. This act shall take effect upon its passage.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT changing the formula for the distribution of highway funds in the Woodsville fire district.

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

1 1 Distribution of Highway Funds in the Woodsville Fire District. Amend 1887, 204:3, as
2 amended by 1899, 196:2; 1990, 37:1; and 2009, 147:1 to read as follows:

3 SECT. 3. Said district at each annual meeting shall elect by ballot a moderator, a clerk, one
4 auditor, a treasurer, and three commissioners. All of said officers shall be elected by a majority vote
5 of all the voters present and voting at the annual meeting. Said officers shall exercise in relation to
6 district meetings the like powers to those of moderator, clerk, and selectmen of towns. The
7 commissioners shall have within the district all the powers of the mayor and aldermen of any city
8 respecting highways, sidewalks, and sewers. They shall control and direct the expenditure of all
9 moneys raised under authority of the district and by the town of Haverhill for expenditure in the
10 district. They shall have sole authority to appoint a highway surveyor in said district, and in default
11 of such appointment shall themselves perform the duties of that office. The surveyor or
12 commissioners performing the duties of highway surveyor in the district shall give bond to the town
13 to account for all money coming into their hands, and for the proper care and custody of the property
14 of the town or district which may come into their custody or control, and shall be deemed officers of
15 the town. Nothing in this act shall be construed to impose any distinct or special liability upon the
16 district respecting highways within its limits. Vacancies that may occur in the office of
17 commissioner in the district shall be filled by appointment of the remaining commissioners or
18 commissioner, but any commissioner appointed to fill a vacancy shall hold office only until the next
19 annual district meeting. Commissioners shall be residents of the district. ~~[The money appropriated~~
20 ~~for the distribution of highway funds in the district which is attributable to the town of Haverhill~~
21 ~~shall be determined by a fraction, the numerator of which shall be the assessed valuation of the~~
22 ~~properties in the district, and the denominator of which shall be the assessed valuation of the~~
23 ~~properties in the entire town of Haverhill as determined annually from the town MS-1 form.] The~~
24 town of Haverhill shall appropriate ~~[the percentage represented by such fraction]~~ for distribution to
25 the highway fund in care of the Woodsville fire district commissioners *an amount equal to the*
26 *Woodsville fire district's percentage of the town's net highway operating budget, when*
27 *calculated as the percentage of the class V road mileage in the district as compared to the*
28 *class V road mileage of the entire town of Haverhill inclusive of all districts and precincts.*
29 ~~[The district shall also receive a proportionate share of the state highway block grant funds received~~
30 ~~by the town in the previous year based on the population and road mileage of the district compared~~

1 ~~to the population and road mileage of the entire town of Haverhill]~~ *The town shall also*
2 *appropriate to the district a proportionate share of the population and a proportionate*
3 *share of the road mileage apportionments that make up the state highway block grant*
4 *funds received by the town in the previous year based on the percentage of the population*
5 *in the district compared to the population in the entire town of Haverhill, inclusive of all*
6 *districts and precincts, and the percentage of the class V road mileage in the district as*
7 *compared to the class V road mileage in the entire town of Haverhill inclusive of all*
8 *districts and precincts. For purposes of this section,*

9 *I. "Highway operating budget" means the budget approved by the town to provide*
10 *highway services, excluding amounts appropriated into or out of capital reserve funds or*
11 *trust funds, amounts appropriated in special warrant articles, amounts appropriated by*
12 *federal grants or awards designated for a specific project, amounts awarded by the state*
13 *for specific projects, health insurance premiums paid by the town for highway employees,*
14 *and excluding any amounts expended without appropriation from capital reserve funds or*
15 *trust funds by agents authorized to expend such funds.*

16 *II. "Net highway operating budget" means only that portion of the highway*
17 *operating budget to be raised by general property taxation from all Haverhill property*
18 *taxpayers regardless of district or precinct based on property values as determined by town*
19 *of Haverhill assessment.*

20 2. Effective Date. This act shall take effect upon its passage.

2020

SB 414 - AS INTRODUCED

2020 SESSION

20-2986
06/03

SENATE BILL **414**

AN ACT changing the formula for the distribution of highway funds in the Woodsville fire district.

SPONSORS: Sen. Giuda, Dist 2; Rep. Ladd, Graf. 4; Rep. Ruprecht, Graf. 15

COMMITTEE: Transportation

ANALYSIS

This bill changes the formula for the distribution of highway funds in the Woodsville fire district so that the amount equals the district's percentage of the town's net highway operating budget, when calculated as the percentage of the class V road mileage in the district compared to the class V road mileage of the entire town.

This bill also provides for the fire district to receive a proportionate share of state highway block grant funds.

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.

*Town of Haverhill
Handout 11-18-2019*

- Discuss exclusions to the formula:
 - Unanticipated revenue
 - Appropriations of Federal Grants or Awards
 - Appropriations in Special Warrant Articles
 - Appropriations into Capital Reserve Funds
 - Appropriations out of Capital Reserve Funds
 - Appropriations out of Trust Funds
 - Expended funds out of Capital Reserve Funds
 - Expended funds out of Trust Funds
 - Health Insurance Premiums paid by the Town for Hwy Employees
- Discuss Highway Block Grant:
 - Apportionment A – part 1 = based upon population vs the entire state
 - Apportionment A – Part 2 = based upon Class V road mileage vs the entire state
 - Apportionment B – Haverhill does not qualify

Option 2 – Agree to combine the Woodsville and Haverhill Highway Departments

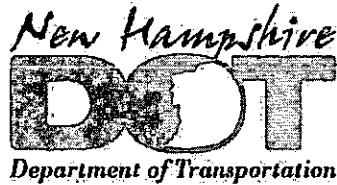
- Discuss logistics, timing, equipment, etc.,
- Haverhill tax payers at-large would fund the combined highway department
- Craft the law to support this change

Option 3 – Fully separate the two Highway Departments and their funding

- Residents living within the Woodsville Precinct would fund the Woodsville Highway Department
 - Highway taxes paid by Woodsville Precinct residents go to the precinct only
 - Separate tax rate established by the precinct for Woodsville Highway Department
- Residents outside the Woodsville Precinct would fund the Haverhill Highway Department.
 - Highway taxes paid by those outside the Woodsville Precinct go to the Town only
 - Separate tax rate established by the Town for Haverhill Highway Department
- Craft the law to support this change

NOTES:

1. Need a clause in the law that states; if the Precinct secedes or is dissolved then the law is mute.



HIGHWAY BLOCK GRANT AID

By law, all municipalities in the State having Class IV and V mileage are entitled to Highway Block Grant Aid. RSA 235:23 stipulates the funding apportionments. Highway Block Grant Aid is distributed to municipalities by the State of New Hampshire on a yearly basis with partial disbursements made four times a year. Sixty percent (60%) of the funds are distributed in the first two payments (30% in July and October) and the other 40% in the final two payments (20% in January and April). **The funds can only be used for construction, reconstruction and maintenance of each municipality's Class IV and V highways.** It can, therefore, be used to be part of the match for a project in the bridge aid program. It also can be used towards equipment to maintain the local roads. The intent here is that it be used towards the local roads; i.e., not used to build a new library or school or buy a fire truck.

Highway Block Grant Aid funds represent a portion of the State's highway revenues received in the preceding fiscal year including revenues resulting from SB 367. There are two "pots" of money from which allotments are made. The first, identified as Apportionment A, represents 12% of the State's highway revenues. One-half of that "pot" is distributed among the municipalities based on their population in proportion to the entire State's population and the other half is disbursed based on a municipality's Class IV and V road mileage in proportion to the total statewide Class IV and V mileage. In general, the allocation of these funds represents a disbursement of approximately \$1,500 for each mile of Class IV and Class V highway inventoried by each municipality and \$13 for each person residing in a municipality based on the state planning estimate of population.

The formula for dispensing funds from the second "pot" of money (a set sum of \$400,000) is less straightforward. It was established to assist those municipalities having high roadway mileage to maintain and whose overall value of property (on an equalized basis) is very low in relationship to other communities. In FY 2020, 18 municipalities received funds from this "pot".

As the New Hampshire Department of Transportation (NHDOT) is responsible for determining the actual disbursements of funds, it is important that they be provided accurate and current information regarding each municipality's Class IV and V mileage. This is typically accomplished by filling out the "Information Report" sent to municipalities each year by the Bureau of Planning and Community Assistance. At the conclusion of each municipality's yearly legislative meeting (i.e. Town Meeting), the NHDOT should be notified of all changes to the community's roadway system. The information should include the length and location of all Class IV and V highways reclassified, accepted, and/or discontinued by the municipality that year.

The total amount of funding distributed statewide annually over the last five state fiscal years is:

FY 2016 \$34,843,581
FY 2017 \$34,931,513
FY 2018 \$35,859,434
FY 2019 \$36,342,370
FY 2020 \$36,915,537

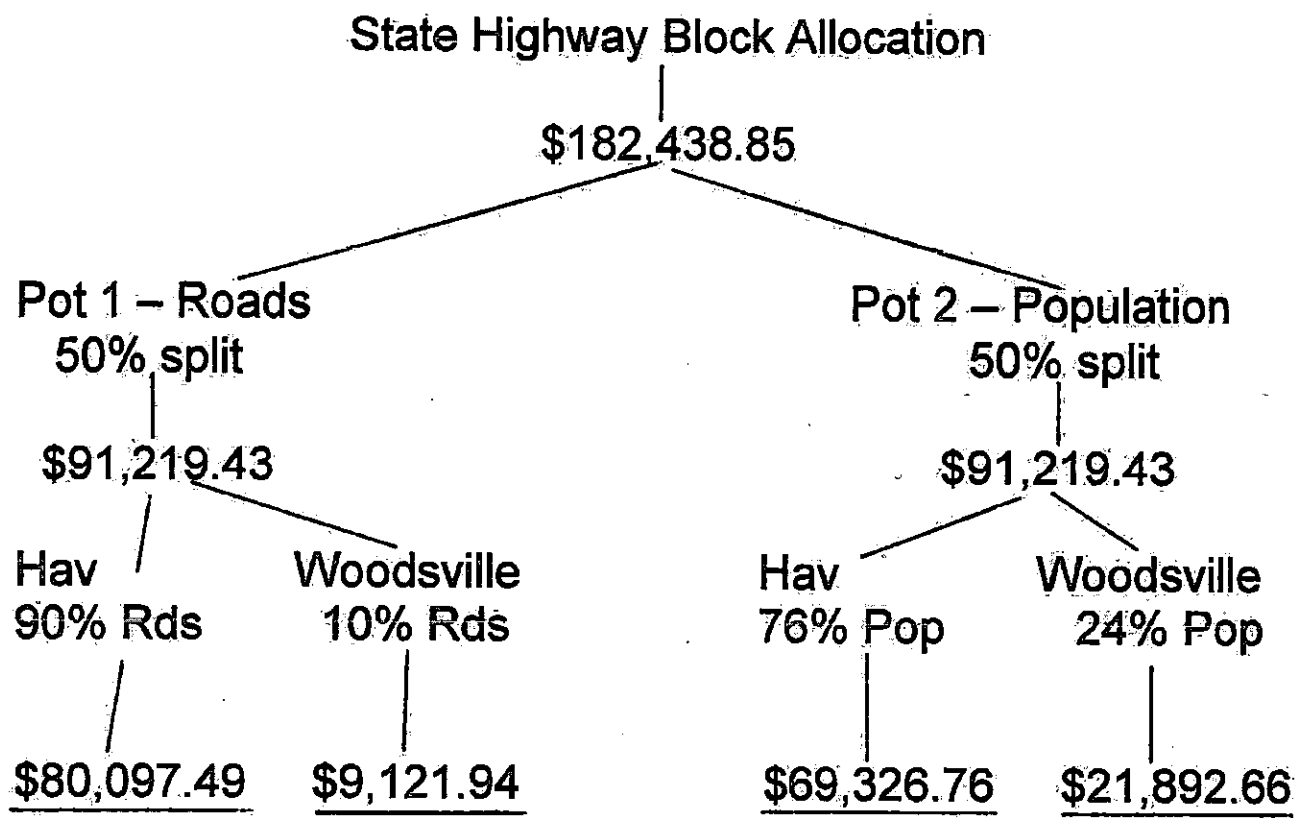
**For more information contact: Bureau of Planning and Community Assistance,
NHDOT, PO Box 483, Concord, NH 03302-0483. Telephone: 603.271.3344**

STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
BUREAU OF PLANNING AND COMMUNITY ASSISTANCE

Highway Block Grant Aid Supporting Numbers Detail for All Towns/Cities
BGA/State Fiscal Year: 2020 Run Number: 1

Town / City Name	Town Class 4 Miles	Town Class 5 Miles	Town Class 4 & 5 Miles	Town Population	Town Equalized Value	Town A Mile Dollars	Town A Pop Dollars	Town Total A Dollars	Town B Class 5 Dollars	Town B Equal Dollars	Town Total B Dollars	Town Adj Mile Dollars	Town Adj Pop Dollars	Town Total Adj
HAMPTON FALLS	0	26.441	26.441	2312	514,595,238	35,417.90	27,461.17	62,879.07	100,330.64	566,054.76	0.00			
HAMPTON FALLS SB367	0	26.441	26.441	2312	514,595,238	4,723.71	3,662.51	8,386.22						
HAMPTON SB367	13.481	64.512	77.993	15236	3,910,241,468	13,933.51	24,135.83	38,069.34						
HANCOCK	0	48.105	48.105	1665	260,206,125	64,436.97	19,776.32	84,213.29	182,534.90	286,226.74	0.00			
HANCOCK SB367	0	48.105	48.105	1665	260,206,125	8,594.00	2,637.58	11,231.58						
HANOVER	4.607	90.186	94.793	11541	2,419,257,363	126,975.85	137,080.17	264,056.02	342,211.68	2,661,183.10	0.00			
HANOVER SB367	4.607	90.186	94.793	11541	2,419,257,363	16,934.85	18,282.47	35,217.32						
HARRISVILLE	0	31.813	31.813	964	206,499,477	42,613.73	11,450.07	54,063.80	120,714.75	227,149.42	0.00			
HARRISVILLE SB367	0	31.813	31.813	964	206,499,477	5,683.42	1,527.10	7,210.52						
HARTS LOCATION	0	1.058	1.058	44	17,387,763	1,417.20	522.62	1,939.82	4,014.59	19,126.54	0.00			
HARTS LOCATION SB367	0	1.058	1.058	44	17,387,763	189.01	69.70	258.71						
HAVERHILL	0	78.389	78.389	4712	344,848,880	105,002.59	55,967.57	160,970.16	297,447.84	379,333.77	0.00			
HAVERHILL SB367	0	78.389	78.389	4712	344,848,880	14,004.26	7,464.43	21,468.69						
HEBRON	0	13.475	13.475	630	314,060,053	18,049.85	7,482.93	25,532.78	51,131.02	345,466.06	0.00			
HEBRON SB367	0	13.475	13.475	630	314,060,053	2,407.32	998.00	3,405.32						
HENNIKER	0	74.171	74.171	4970	479,820,416	99,352.55	59,032.01	158,384.56	281,442.60	527,802.46	0.00			
HENNIKER SB367	0	74.171	74.171	4970	479,820,416	13,250.71	7,873.14	21,123.85						
HILL	0	25.764	25.764	1104	91,682,520	34,511.05	13,112.95	47,624.00	97,761.76	100,850.77	0.00			
HILL SB367	0	25.764	25.764	1104	91,682,520	4,802.76	1,748.88	6,351.64						
HILLSBOROUGH	0	70.112	70.112	6005	544,949,872	93,915.49	71,325.40	165,240.89	266,040.69	599,444.86	0.00			
HILLSBOROUGH SB367	0	70.112	70.112	6005	544,949,872	12,525.57	8,512.71	22,038.28						
HINSDALE	0	30.573	30.573	4066	334,411,268	40,952.74	48,294.60	89,247.34	116,009.55	367,852.39	0.00			
HINSDALE SB367	0	30.573	30.573	4066	334,411,268	5,461.89	6,441.08	11,902.97						
HOLDERNESS	0	30.557	30.557	2136	779,896,927	40,931.30	25,370.70	66,302.00	115,948.84	857,886.62	0.00			
HOLDERNESS SB367	0	30.557	30.557	2136	779,896,927	5,459.03	3,383.71	8,842.74						
HOLLIS	0	84.099	84.099	7901	1,442,825,637	112,651.17	93,845.46	206,496.63	319,114.50	1,587,108.20	0.00			

Scenario I

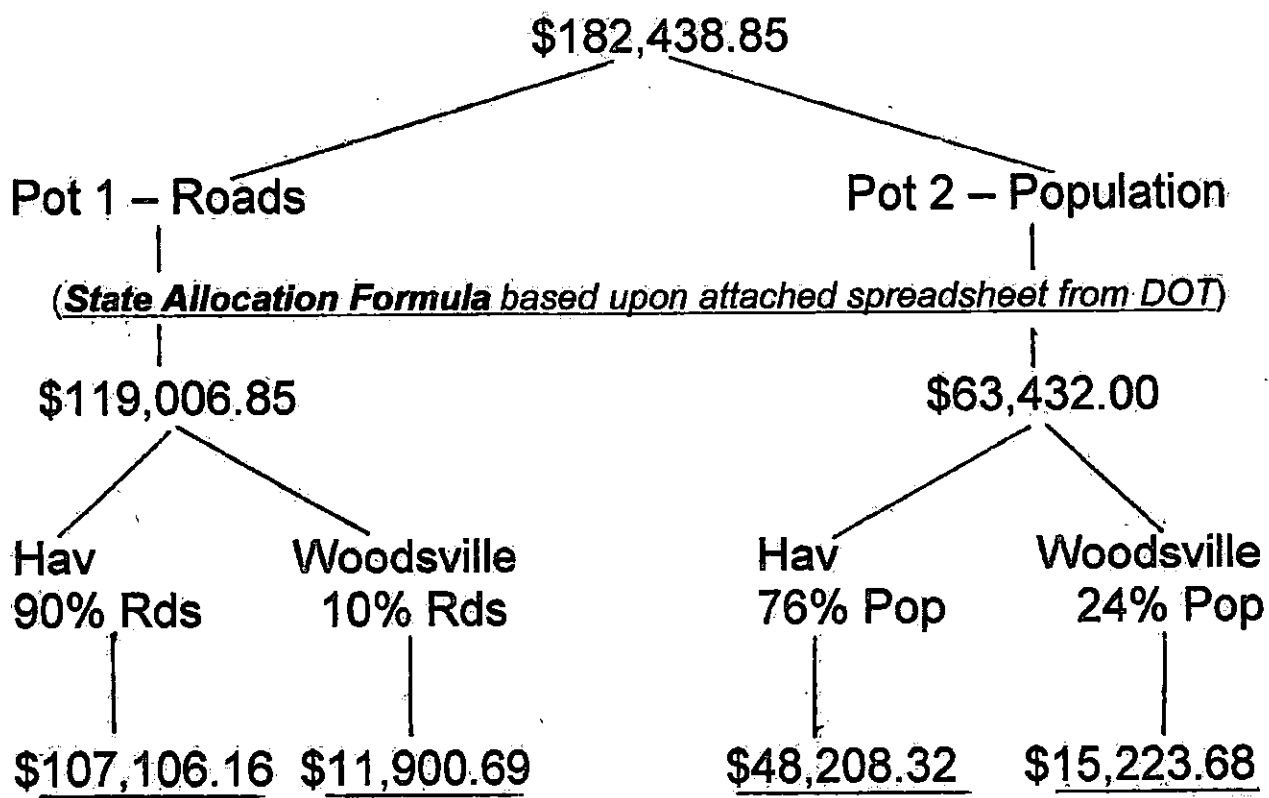


Total Revenue to Haverhill and Woodsville

Haverhill	\$151,424.25 or 83% of Total Hwy Block Grant
Woodsville	\$ 31,014.60 or 17% of Total Hwy Block Grant
	<u>\$182,438.85</u>

Scenario 2

State Highway Block Allocation



Total Revenue to Haverhill and Woodsville

Haverhill	\$155,314.48 or 85% of Total Hwy Block Grant
Woodsville	\$ 27,124.37 or 15% of Total Hwy Block Grant

\$182,438.85

Testimony of Brigitte M. Codling, Town Manager
before the Senate Transportation Committee
on January 21, 2020

RE: 2020 Senate Bill 414 changing the distribution of highway funds to the Woodsville Fire District.

The Woodsville Fire District aka Woodsville Precinct was formed in 1887 via legislation, which is when the district's responsibility over highways within the fire district boundaries began.

In March 1990 there was a request for revision to the legislation for the distribution of highway funds to the Woodsville Fire District; HB 1138 was introduced and approved, amended to add the following:

"The money appropriated for distribution of highway funds in the district which is attributed to the Town of Haverhill shall not exceed 20 percent of the total amount of expenditures authorized at town meeting."

Also, in 1990 there was a desire of the Woodsville Fire District to extend its sewer lines to allow additional entities to hook up to municipal sewer. Discussions between the Town and the District over the sewer extension ensued; which led to discussions over maintenance of the roads and a need to expand the Woodsville Fire Districts boundaries to accommodate the changes.

In 1990, petitions were filed in favor and in protest of the expansion, and a public hearing was held on May 30, 1990. At the public hearing a resident by the name of Carol Hastings asked, "will the taxpayers...be voting to decide on the expansion" to which she was told "No". At that same public hearing another resident, Roland Moore expressed his concern "that it was up to three people to decide." Also, at that same public hearing Carol Hastings asked if "there had been any input from the lower end of town?" to which she was again told "No".

The Select Board with no public vote and against opposition, decided to relinquish the few miles of Town road to the Woodsville Fire District and allow the expansion of the district boundaries so they could extend their sewer line.

Subsequently, there were negotiations between the Woodsville Fire District and the Town of Haverhill Selectmen who entered a Memorandum of Understanding (MOU) for the purpose of "clarifying the intent" of HB 1138. During the negotiations there were concerns raised that "in the past it has been limited to just proportionate share of the highway department operating budget, but Precinct Commissioners believe that it should also include the maintenance of the highway garage, capital expenditures, equipment purchases, and road construction projects."

The MOU once drafted, included these expenditures by the town. The provisions were clearly outside the limit set by the law and created great inequity in the application of the law for taxpayers of Haverhill who resided outside the boundaries of the Woodsville Fire District.

It is important to note that the three person Select Board in May of 1990 consisted of two Woodsville Fire District residents; with the three Woodsville Fire District being from Woodsville this meant that five of the six individuals making decisions related to the boundary expansion, the request for a modification to highway funding law, and who negotiated the MOU were residents of Woodsville.

In January 1995, the Woodsville Fire District Commissioners and the Town of Haverhill Selectmen negotiated a modification to the Memorandum of Understanding (MOU) to establish a formula by which the highway funding would be calculated. This modification established a formula that created a disproportionate amount of money to be sent to the Woodsville Precinct for its roads. The modification moved even further from the intent of the law and exasperated inequity in the application of the law.

It is important to note that the three person Select Board in 1995 consisted of two Woodsville Fire District residents; with the three Woodsville Fire District being from Woodsville this meant that five of the six individuals who negotiated modifications to the MOU were residents of Woodsville.

In October 2008, the Woodsville Fire District Commissioners and the Town of Haverhill Selectmen negotiated additional modifications to the Memorandum of Understanding (MOU); the purpose being to amend the formula by which the highway funding would be calculated. The modification moved even further from the intent of the law and further exasperated inequity in the application of the law.

In June 2009, there was another request for revision to the legislation for the distribution of highway funds to the Woodsville Fire District; SB 75 was introduced and approved, amended to read:

~~“[not exceed 20 percent of the total amount of expenditures authorized at the town meeting] be determined by a fraction, the numerator of which shall be the assessed valuation of the properties in the district, and the denominator of which shall be the assessed valuation of the properties in the entire town of Haverhill as determined annually from the town MS-1 form. The town of Haverhill shall appropriate the percentage represented by such fraction for distribution to the highway fund in care of the Woodsville fire district commissioners. The district shall also receive a proportionate share of the state highway block grant funds received by the town in the previous year based on the population and road mileage of the district compared to the population and road mileage of the entire town of Haverhill.”~~

This change to the law solidified the erroneous calculation by which the highway funding would be calculated.

It is important to note that the five person Select Board in 2009 consisted of two Woodsville Fire District residents and the three Woodsville Fire District Commissioners were from Woodsville; meaning five of the eight officials supporting SB 75 were from Woodsville.

It is also important to note that at the Senate Committee Hearing held on February 5, 2009 that it was stated by Rep Ladd that “Woodsville has about 70 percent of the use of the police, general assistance, is about 70 percent”. These are services publicly funded through general taxation of all residents regardless of where they reside within the Town.

Also in the Constitution of the State of New Hampshire ART 3: When men enter into a state of society, they surrender up some of their natural rights to that society.

In January 2020, there was a request made by the Town of Haverhill Select Board asking for a revision to the legislation for the distribution of highway funds to the Woodsville Fire District; SB 414 was introduced amended to read:

“ [The money appropriated for the distribution of highway funds in the district which is attributable to the town of Haverhill shall be determined by a fraction, the numerator of which shall be the assessed valuation of the properties in the district, and the denominator of which shall be the assessed valuation of the properties in the entire town of Haverhill as determined annually from the town MS-1 form.] The town of Haverhill shall appropriate [the percentage represented by such fraction] for distribution to the highway fund in care of the Woodsville fire district commissioners an amount equal to the Woodsville fire district's percentage of the town's net highway operating budget, when calculated as the percentage of the class V road mileage in the district as compared to the class V road mileage of the entire town of Haverhill inclusive of all districts and precincts. [The district shall also receive a proportionate share of the state highway block grant funds received by the town in the previous year based on the population and road mileage of the district compared to the population and road mileage of the entire town of Haverhill] The town shall also appropriate to the district a proportionate share of the population and a proportionate share of the road mileage apportionments that make up the state highway block grant funds received by the town in the previous year based on the percentage of the population in the district compared to

the population in the entire town of Haverhill, inclusive of all districts and precincts, and the percentage of the class V road mileage in the district as compared to the class V road mileage in the entire town of Haverhill inclusive of all districts and precincts. For purposes of this section,

Continued on next page...

I. "Highway operating budget" means the budget approved by the town to provide highway services, excluding amounts appropriated into or out of capital reserve funds or trust funds, amounts appropriated in special warrant articles, amounts appropriated by federal grants or awards designated for a specific project, amounts awarded by the state for specific projects, health insurance premiums paid by the town for highway employees, and excluding any amounts expended without appropriation from capital reserve funds or trust funds by agents authorized to expend such funds.

II. "Net highway operating budget" means only that portion of the highway operating budget to be raised by general property taxation from all Haverhill property taxpayers regardless of district or precinct based on property values as determined by town of Haverhill assessment."

This requested revision to the law will correct the inequity that was established by Memorandum of Understanding (MOU) dated 1990, amended in 1995 and 2008; as well as the inequity established by law in 2009; will clarify the meaning and intent of the law, and make the funding formula fair and equitable to all resident tax payers throughout the Town of Haverhill.

It is important to note that the five person Town of Haverhill Select Board now consists of five individuals, who all live outside the boundaries of Woodsville within the Town of Haverhill. This board is acting in good faith of all resident tax payers in Haverhill and have unanimously voted to request this modification.

The formula as it stands today is rather complicated, but in general, it has two parts:

- The first part provides the Woodsville Fire District a sum of money equivalent to, between **23-25 percent** of the Town of Haverhill's Highway Department budget. This part of the calculation is based upon a ratio of property values and a ratio of population.
- The second provides the Woodsville Fire District a sum of money equivalent to, consistently **18.84 percent** of the Highway Block Grant. This part of the calculation is based upon a ratio of population and a ratio of Class V road mileage.

After analyzing all information, it became evident that the current funding formula does not appear equitable to all resident tax payers throughout the Town of Haverhill.

- Within the boundaries of the Woodsville Precinct there are **8.306 miles (7.65 paved & 0.66 gravel)** of Class V roadway to maintain. These miles are maintained by the Woodsville Highway Department.
- Within the rest of the Town of Haverhill there are another **72.380 miles (25.89 paved & 46.48 gravel)** of Class V roadway to maintain. These miles are maintained by the Haverhill Highway Department.
- The Town of Haverhill Highway Department has historically graded the Woodsville Fire District's gravel road mileage free of charge.

This means that the Woodsville Precinct has essentially **10 percent** of Haverhill Class V roads to maintain, less their gravel in the summer. Yet, they receive, on average **27.36 percent** of all highway monies raised.

When we compared the two department's highway budgets for 2019 the difference is stark.

- The 2019 operating budget for the Woodsville Highway Department was **\$422,950.00**; that is a rate of **\$50,592.11 per mile**.
- The 2019 operating budget for the Haverhill Highway Department was **\$699,511.00**; that is a rate of **\$9,640.45 per mile**.

For comparison; the Town of St Johnsbury, VT whose road network is very similar to those found within the Woodsville Fire District report a cost of \$28,000 per mile; to include the maintenance of roads, water & sewer, drainage, and sidewalks. Additionally, it has been reported that the average cost within the State of New York for maintenance of its municipal roads is \$25,000 per mile.

The Woodsville Fire District funds its very expensive highway department using monies provided to it by the Town of Haverhill as well as using their own "enterprise funds"; the district aka precinct, has not assessed a precinct tax in (4) four years yet have been purchasing property and equipment not reflected in their annual budget.

Through December 2019 the Town of Haverhill met with the Woodsville Fire Precinct to discuss the possible merger of the two highway departments. The effort has tremendous support within the Town of Haverhill, especially from residents who live outside the Woodsville Fire District. However, there are a lot of residents in Woodsville who also support a merger. A recent public opinion poll showed sixty-seven (67%) of Haverhill resident tax payers support a highway department merger. The Woodsville Fire District Commissioners recently stated in an interview for one of the local newspapers that they "do not endorse this concept (merger) in any way, shape, or form."

NOTE: To hear the entire testimony given at this hearing you can go to:

http://www.gencourt.state.nh.us/senateaudio/committees/2020/Trans/SB0414_01212020.asx

Amended $\frac{1}{3}$ Passed by Senate

Sen. Giuda, Dist 2
Sen. Watters, Dist 4
February 25, 2020
2020-0862s
06/10

Floor Amendment to SB 414

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to roads within the Woodsville Fire District.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 Town of Haverhill; Woodsville Fire District. Amend 1887, 204:3, as amended by 1899, 196:2;
8 1990, 37:1; and 2009, 147:1 to read as follows:

9 SECT. 3. Said district at each annual meeting shall elect by ballot a moderator, a clerk, one
10 auditor, a treasurer, and three commissioners. All of said officers shall be elected by a majority vote
11 of all the voters present and voting at the annual meeting. Said officers shall exercise in relation to
12 district meetings the like powers to those of moderator, clerk, and selectmen of towns. The
13 commissioners shall have within the district all the powers of the mayor and aldermen of any city
14 respecting [highways,] sidewalks[,], and sewers. They shall control and direct the expenditure of all
15 moneys raised under authority of the district and by the town of Haverhill for expenditure in the
16 district. [~~They shall have sole authority to appoint a highway surveyor in said district, and in
17 default of such appointment shall themselves perform the duties of that office. The surveyor or
18 commissioners performing the duties of highway surveyor in the district shall give bond to the town
19 to account for all money coming into their hands, and for the proper care and custody of the property
20 of the town or district which may come into their custody or control, and shall be deemed officers of
21 the town. Nothing in this act shall be construed to impose any distinct or special liability upon the
22 district respecting highways within its limits.] Vacancies that may occur in the office of
23 commissioner in the district shall be filled by appointment of the remaining commissioners or
24 commissioner, but any commissioner appointed to fill a vacancy shall hold office only until the next
25 annual district meeting. Commissioners shall be residents of the district. [~~The money appropriated
26 for the distribution of highway funds in the district which is attributable to the town of Haverhill
27 shall be determined by a fraction, the numerator of which shall be the assessed valuation of the
28 properties in the district, and the denominator of which shall be the assessed valuation of the
29 properties in the entire town of Haverhill as determined annually from the town MS 1 form. The
30 town of Haverhill shall appropriate the percentage represented by such fraction for distribution to
31 the highway fund in care of the Woodsville fire district commissioners.] *The town of Haverhill*~~~~

Floor Amendment to SB 414

- Page 2 -

1 *shall be responsible for the care and maintenance of all roads within its boundaries,*
2 *including all precincts and districts. Highway block grant funds shall be distributed in*
3 *accordance with the department of transportation formula, and all other appropriations*
4 *shall be as directed by warrant articles duly voted by the voters present and voting at each*
5 *annual Haverhill town meeting.*

6 2 Financial Audit Requirement. No later than one year after the effective date of section 1 of
7 this act, the Woodsville fire district shall provide a financial audit by a certified public accountant
8 approved by the department of revenue administration that is compliant with generally accepted
9 accounting practices (GAAP), of all funds received from the town of Haverhill and all other sources
10 including state and federal funds, from January 1, 2015 to the effective date of section 1 of this act,
11 as directed by the department of revenue administration. The department of revenue
12 administration must approve the scope of the audit and shall receive monthly updates from the
13 certified public accountant and the Woodsville fire district on the status of the audit while it is in
14 progress. The results of the audit shall be published on the town of Haverhill website within 60 days
15 of delivery by the certified public accountant to the Woodsville fire district and the department of
16 revenue administration. The audit shall be at the expense of the Woodsville fire district.
17 Reimbursement of any expenses related to the audit incurred by the department of revenue
18 administration shall be in accordance with the provisions of RSA 21-J:22. The department of
19 revenue administration may levy a fine of \$250 per day against the Woodsville fire district for every
20 day of noncompliance with this act beyond one year from the effective date of this act. The
21 commissioner may waive such fine at his or her discretion, subject to the good faith efforts of the
22 Woodsville fire district to comply with all relevant laws and the provisions of this act.

23 3 Effective Date. This act shall take effect upon its passage.

2020-0862s

AMENDED ANALYSIS

This bill:

- I. Deletes the authority of the Woodsville fire district over highways within the district.
- II. Requires the town of Haverill to assume responsibility for the care and maintenance of roads within the Woodsville fire district.
- III. Requires the Woodville fire district to provide a financial audit of all funds received from the town of Haverhill.



Brigitte Codling <townmanager@haverhill-nh.com>

HB 1234-FN-A

1 message

Brigitte Codling <townmanager@haverhill-nh.com>

Tue, Jun 9, 2020 at 3:37 PM

To: Sharon.Carson@leg.state.nh.us, Kevin.Cavanaugh@leg.state.nh.us, Cindy.Rosenwald@leg.state.nh.us, Shannon.Chandley@leg.state.nh.us, John.Reagan111@gmail.com, cameron.lapine@leg.state.nh.us

Hello Executive Departments and Administration Committee,

I am writing on behalf of the Town of Haverhill in relation to the amendment to HB 1234-FN-A; specifically the portion that used to be SB 414.

SB 414 passed the Senate unanimously on February 25, 2020. There was a great deal of testimony before the Transportation Committee including opposition by the Woodsville Precinct Commissioners, and tremendous support by the Haverhill Selectboard chair, Haverhill residents, myself as Town Manager, and others.

The Town has amply discussed SB 414; we held numerous public meetings prior to its passage by the Senate and it has been discussed since. Particularly at an Open Public Discussion on March 8, 2020 where we had hundreds of residents in attendance as well as at Town Meeting where over 500 residents attended.

Overwhelmingly, residents of the Town of Haverhill at-large (so including many Woodsville Village residents) support SB414 and in turn support the amendment to HB 1234-FN-A.

The Town of Haverhill is prepared, with the skills, knowledge, and experience needed to manage and maintain the 8 miles of roads within the Woodsville Precinct, which are currently managed and maintained by the Woodsville Precinct within the Town of Haverhill. I have 20 years of experience working with the State of Vermont Department of Transportation, and have extensive experience in highway design, materials, contracting, and construction management for highways. Our Town Highway Department collectively has over 45 years of highway maintenance experience.

Currently, the Town maintains 78 miles of roads (both paved and gravel) with a budget on average of about \$740,000; the Woodsville Precinct maintains 8 miles of roads with a budget of on average of around \$450,000. The Town of Haverhill already maintains Woodsville's gravel roads because they do not have the equipment, skills, or knowledge to do so.

This change in organization, management, and maintenance will allow for the unity of the two highway departments into one under the Town and will save resident taxpayer dollars at-large; benefiting all residents of the Town of Haverhill.

I ask the committee to approve the amendment to HB 1234-FN-A.

Thank you for your time and attention to this matter, the people of Haverhill appreciate your time.

Brigitte M. Codling, Town Manager
Haverhill, New Hampshire
603-787-6800

"Don't think outside the box, think like there is no box"

Sen. Rosenwald, Dist 13
June 5, 2020 2020-1371s
05/04

Amendment to HB 1234-FN-A

Amend the title of the bill by replacing it with the following: AN ACT relative to state and local government administration. Amend the bill by replacing all after section 2 with the following:

AMENDED ANALYSIS

This bill:

I. Makes an appropriation to the department of administrative services for the purpose of replacing heating systems in state-owned buildings in Concord that formerly used Concord Steam. The bill also extends a prior appropriation to the state heating system savings account.

II. Clarifies the timeline for declarations of candidacy of charter commission members.

III. Exempts statewide standards and protocols relative to information technology, networks, telephony, and cyber security developed by the department of information technology in consultation with the information technology council from rulemaking under RSA 541-A.

IV. Requires the quarterly report of the retirement system's independent investment committee to include a description of investment fees and requires independent investment committee reports to be available on the retirement system's Internet website.

V. Makes a technical correction in the law governing death benefits for emergency medical technicians and rescue squad members and clarifies the definition of "rescue squad member."

VI. Revises the rulemaking requirements for forms under the administrative procedure act.

VII. Clarifies the qualifications of the banking department commissioner and deputy commissioner, permits certain consumer complaints to be submitted via email, and defines "nationwide multistate licensing system and registry."

VIII. Creates a database for animal health records; authorizes the commissioner of the department of agriculture, markets, and foods to transfer money from certain funds; establishes a fee on the submission of animal health certificates; establishes a fee on rabies vaccinations; and requires veterinarians to send a copy of the rabies vaccination certificate to the department of agriculture, markets, and food.

IX. Requires banks to pay the cost of background investigations and criminal history records checks, requires trust company directors to submit to such checks, and provides for the removal of trust company directors and officers by the bank commissioner.

X. Establishes a solid waste working group on solid waste management planning.

XI. Requires the department of environmental services to make certain rules regarding compost.

XII. Ratifies certain amendments to the state building code and state fire code. 108 Important Notice Due to the COVID-19 pandemic, the General Court has suspended all legislative activities until further notice with the exception of remote public meetings, notices for which will be published in the House or Senate Calendar. During this time, the State House and Legislative Office Building will be closed to legislative members, legislative staff, and visitors.

XIII. Allows for a vote for accepting operation of sports book retail locations by a city at the state primary election.

XIV. Deletes the authority of the Woodsville fire district over highways within the district; requires the town of Haverill to assume responsibility for the care and maintenance of roads within the Woodsville fire district; and requires the Woodsville fire district to provide a financial audit of all funds received from the town of Haverhill.

XV. Allows an on-premise licensee to purchase a restaurant delivery license in order to deliver beverages and wine with food ordered from the on-premise licensee.

XVI. Adds a member to the advisory council on career and technical education and requires the state board of education to adopt rules establishing requirements for a career readiness credential.

XVII. Provides that the change to the quorum for the Pease development authority board of directors made pursuant to HB 243 (2019, 256) shall not take effect on April 30, 2021. The quorum required under current law shall remain unchanged.

XVIII. Establishes the lakes region development authority to implement the redevelopment master plan prepared by the lakeshore redevelopment planning commission. The authority is repealed in 2026.

XIX. Amends the charter of the Brewster Academy by increasing the membership on the Brewster Academy board of trustees. The bill also allows Brewster Academy to amend its charter in accordance with the provisions of RSA 292:7 governing the powers of voluntary corporations.

XX. Makes changes to the statutes governing the administration of estates and the distribution of intestate estates, and revises the statute governing powers of attorney.

XXI. Reenacts RSA 563-B, the Uniform Disclaimer of Property Interests Act. The bill removes the 9-month time limit for disclaimers, expands the prior definition of "disclaimer" to include a broader range of property, provides further instructions for when a disclaimer is delivered and under what circumstances it becomes effective, clarifies the result of refusing property or powers through a disclaimer, creates rules for several types of disclaimers, provides rules for the disclaimer of powers held in a fiduciary capacity, specifically allowing a partial disclaimer of an interest in property, and clarifies that the disclaimed interest passes without direction by the disclaimant.

XXII. Requires the public utilities commission to assess certain costs of participation in regional activities to gas and electric distribution utilities.

XXIII. Permits municipalities to attach a lien against certain real estate after a building inspector, code enforcement officer, zoning administrator, or other official designated as an enforcement authority issues a cease and desist order but before a district court judge enters a judgment sustaining or vacating the order.

XXIV. Revises the formula for term alimony based on the fact that under current federal income tax laws, alimony is not deductible to the payor and taxable to the payee. The bill adjusts the formula if such a deduction is permitted in the future and explicitly provides that consideration of federal income tax consequences may warrant adjustment to the amount of term alimony.

XXV. Authorizes higher educational institutions to contract with a third party to grow or cultivate industrial hemp. XXVI. States that a claimant denied compensation by the victims' assistance commission may appeal such decision to the attorney general.

XXVII. Establishes a statewide solid waste disposal reduction goal and revises requirements relative to the state solid waste plan.

XXVIII. Repeals the emergency medical services personnel licensure interstate compact.

XXIX. Decreases the filing fee for petitions for a declaratory ruling in energy facility siting administrative proceedings. Important Notice 109 Due to the COVID-19 pandemic, the General Court has suspended all legislative activities until further notice with the exception of remote public meetings, notices for which will be published in the House or Senate Calendar. During this time, the State House and Legislative Office Building will be closed to legislative members, legislative staff, and visitors.

XXX. Makes technical changes concerning the definition of antique snowmobile, water quality rules, and asbestos management fines.

XXXI. Allows alcohol and drug free recovery houses to be granted an exemption by the state fire marshal for requirements of the state fire code and local amendments.

XXXII. Sets the alternative compliance payment at \$55 per megawatt hour to the renewable energy fund for electric distribution utility requirements not satisfied by renewable energy credits, and changes the rate adjustments for certain class obligations.

XXXIII. Allows for the sale of products made with raw milk in certain circumstances.

XXXIV. Requires the department of environmental services to adopt rules concerning small groundwater withdrawals from new sources of water.

XXXV. Permits capital reserve funds of counties, towns, districts, and water departments to be used for financing the cost of leases of equipment.

Voting Sheets

**Senate Executive Departments and
Administration Committee
EXECUTIVE SESSION RECORD
2021 Session**

Bill # *SB 26*

Hearing date: *1-13-21*

Executive Session date: *3-3-21*

Motion of: *OTP* Vote: *2-3*

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Motion of: *Refer* Vote: *3-2*

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: *Sen. Prentiss*

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Wednesday, March 3, 2021

THE COMMITTEE ON Executive Departments and Administration
to which was referred **SB 26**

AN ACT relative to roads within the Woodsville Fire
District.

Having considered the same, the committee recommends that the Bill

BE RE-REFERRED TO COMMITTEE

BY A VOTE OF: 3-2

Senator Suzanne Prentiss
For the Committee

Cameron Lapine 271-2104

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 26, relative to roads within the Woodsville Fire District.

Re-refer to Committee, Vote 3-2.

Senator Suzanne Prentiss for the committee.

General Court of New Hampshire - Bill Status System

Docket of SB26

Docket Abbreviations

Bill Title: relative to roads within the Woodsville Fire District.*Official Docket of SB26.:*

Date	Body	Description
1/6/2021	S	Introduced 01/06/2021 and Referred to Executive Departments and Administration; SJ 3
1/7/2021	S	Remote Hearing: 01/13/2021, 09:30 am; Links to join the hearing can be found in the Senate Calendar; SC 6
3/3/2021	S	Committee Report: Rereferred to Committee, 03/11/2021; SC 14
3/11/2021	S	Rereferred to Committee, RC 6Y-17N, MF ; 03/11/2021; SJ 7
3/11/2021	S	Sen. Carson Moved Ought to Pass; 03/11/2021; SJ 7
3/11/2021	S	Sen. Giuda Floor Amendment #2021-0765s, RC 23Y-0N, AA ; 03/11/2021; SJ 7
3/11/2021	S	Ought to Pass with Amendment 2021-0765s, RC 20Y-3N, MA ; OT3rdg; 03/11/2021; SJ 7
3/17/2021	H	Introduced (in recess of) 02/25/2021 and referred to Public Works and Highways HJ 4 P. 50
4/21/2021	H	Public Hearing: 05/05/2021 01:15 pm Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/94154238304 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
5/10/2021	H	Executive Session: 05/19/2021 10:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/93826339511
5/24/2021	H	Committee Report: Ought to Pass (Vote 18-3; RC) HC 26 P. 29
6/4/2021	H	FLAM #2021-1803h (Rep. Ladd): AF DV 72-301 06/04/2021
6/4/2021	H	Lay on Table (Rep. Cordelli): MF DV 62-303 06/04/2021
6/4/2021	H	Ought to Pass: MA VV 06/04/2021
7/1/2021	H	Enrolled (in recess of) 06/24/2021
7/1/2021	S	Enrolled Adopted, VV, (In recess 06/24/2021); SJ 20
7/15/2021	S	Law Without Signature 07/14/2021; Chapter 0124; Effective 07/14/2021; Art 44, Pt II, NH Constitution

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 26

Senate Committee: ED+A

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: (Legislative Aides)

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

N/A Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: (Legislative Aides)

All amendments considered in committee (including those not adopted):

_____ - amendment # _____ _____ - amendment # _____

_____ - amendment # _____ _____ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: (Clerk's Office)

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # 0765s _____ - amendment # _____

_____ - amendment # _____ _____ - amendment # _____

Post Floor Action: (if applicable) (Clerk's Office)

_____ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

_____ Enrolled Bill Amendment(s)

_____ Governor's Veto Message

All available versions of the bill: (Clerk's Office)

as amended by the senate _____ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Cameron M. Zapine
Committee Aide

7/16/21
Date

Senate Clerk's Office [Signature]