

New Hampshire Municipal Association
2011-2012 Legislative Policy Process

Floor Policy Proposal

Submitted by (name) William Herman, CPM Date August 10, 2010

City or Town AUBURN Title of Person Submitting Policy Town Administrator

Floor Policy Proposal approved by vote of the governing body on (date) August 9, 2010

To see if NHMA will SUPPORT/OPPOSE:

Oppose any change in current state statutes (RSA 72:11, RSA 79-A or RSA 79-B at a minimum) which would eliminate or reduce the current obligation of public water entities whose land holdings are in another municipality from paying that municipality a payment in lieu of taxes (PILOT) that is equal to what the property taxes would be for that property.

Vote: Yes-7 No-2

Municipal interest to be accomplished by proposal:

For those municipalities who are the hosts of such publicly-owned properties (the Towns of Auburn, Randolph and Roxbury at a minimum), these PILOT payments are significant sources of revenue that should not be altered in order to reduce another public entity's operating expenses. These boils down to a fairness issue which the Legislature has addressed in current statutes that have been in place since the 1950s.

Explanation:

In 2007, the Manchester Water Works (MWW) placed a conservation easement on a 460-acre parcel they own in the Town of Auburn to reduce the assessed value of their property and, ultimately, reduce the PILOT amount paid to the municipality. This was to be one of several conservation easements to come which would lead to nearly all of the MWW land holdings hosting such an easement. The effort to secure reduced property value is contrary to state law, which the Town of Auburn successfully defended in the Rockingham County Superior Court (08-E-0317) and through appeal to the NH Supreme Court (Rockingham 2009-335). In the 1981 Legislative Session, an attempt was made to allow these public entities to qualify to Current Use taxation status and was found to be Inexpedient to Legislate. With legal appeals exhausted at this point, it is possible a legislative fix could be sought.

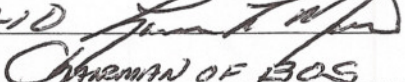
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New Hampshire Municipal Association
2011-2012 Legislative Policy Process

Floor Policy Proposal

Submitted by (name) Crow Dickinson Date 6-25-2010

City or Town Conway Title of Person Submitting Policy Selectman

Floor Policy Proposal approved by vote of the governing body on (date) 7-27-10 
Chairman of BOS

To see if NHMA will SUPPORT:

Legislation to require that draft rules be returned to the relevant policy committee prior to submission to the Joint Legislative Committee on Administrative Rules to ensure they accurately reflect the policy committee's intent.

Vote: Yes-Unanimous (9)

Municipal interest to be accomplished by proposal:

It could save time, testimony and potentially litigation on the part of municipalities who stand to be affected by rules that may not be reflective of original legislative intent.

Explanation:

An excellent example is the lengthy, and ultimately unsuccessful, opposition to the rules proposed by the Department of Environmental Services. The rules, as adopted, are a clear violation of Article 28-a of the NH Constitution and pose new and burdensome costs on NH municipalities. The rules, as adopted, are also clearly outside the scope of the statute DES purports them to reflect. Had the policy committee been required to review the draft and hold public hearings, the dangers that they now hold might have been avoided or at a minimum, mitigated..

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**New Hampshire
Municipal Association**

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DEADLINE TO SUBMIT - AUGUST 13, 2010

Submitted by (name) Lebanon City Council
Mayor Georgia A. Tuttle, MD Date Aug 5, 2010

City or Town Lebanon Title of Person Submitting Policy Mayor Georgia Tuttle, MD

Floor Policy Proposal approved by vote of the governing body on (date) Aug 4, 2010

To see if NHMA will SUPPORT / ~~OPPOSE~~:

Legislation to permit municipal assessing offices to request financial information related to the rental income and rental expense of commercial and industrial property from those property owners.

Vote: Yes-Unanimous (9)

Municipal interest to be accomplished by proposal:

Give municipal assessors an additional and more objective tool to use to determine market value of commercial and industrial properties that often have no comparable comparisons in the real estate market.

Explanation:

Assessors currently use the following 3 primary appraisal approaches to determine property value: Cost, Sales, Income.

Municipalities need some rational way to determine market value for commercial and industrial properties. Because of the relative infrequency of real estate transactions in these 2 sectors, determining a fair assessment value for these types of properties using the typical "Cost" approach is problematic. The success of a company ("Sales") is not a fair way to determine property value nor should successful community members be penalized for their hard work and innovation. The use of information about rental income generated and associated rental expenses will offer a more reasonable, market-based alternative.

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Lebanon City Council
August 4, 2010



2011-2012 Legislative Policy Process Floor Policy Proposal

DEADLINE TO SUBMIT - AUGUST 13, 2010

Submitted by: Carter Terenzini
Contact Telephone: 1.603.476.2347
Contact eMail: cterenzini@moultonboroughnh.gov

Date: August 6, 2010

Alternate Contact: Betsey Patten, SelectBoard Member @ 1.603.253.6927

Town: Town of Moultonborough
Title of Person Submitting Policy: Town Administrator

Floor Policy Proposal approved by vote of the governing body on August 5, 2010

To see if NHMMA will SUPPORT:

legislation to allow the governing body of a community to adjust the partial payment of the taxes assessed on April 1 in any tax year by taking the prior year's assessed valuation times one-half of the previous year's tax rate, and an amount sufficient to collect any extraordinary increase or decrease in the Statewide Education Property Tax. **Vote: Yes-Unanimous (9)**

Municipal interest to be accomplished by proposal:

This action will "smooth out" spikes we anticipate will happen in our tax billing system to make the payment of taxes more manageable for our taxpayers and avoid tax escrow reset problems for them.

Explanation:

Rather than have taxpayers be hit with the full brunt of an increase, such as the Statewide Education Property Tax (SWEPT) "donation" on the December tax bill we need to be able to spread this out over the two half year billings. Without such first-half billing, mortgage holders also could suffer major escrow resets based on the December tax bill.

The specific legislation (addition in bold) that we would want to run by DRA would be....

76:15-A Semi-Annual Collection of Taxes in Certain Towns and Cities

I. Taxes shall be collected in the following manner in towns and cities which adopt the provisions of this section in the manner set out in RSA 76:15-b. A partial payment of the taxes assessed on April 1 in any tax year shall be computed by taking the prior year's assessed valuation times 1/2 of the previous year's tax rate: provided, however, that when ever it shall appear to the selectmen or assessors that certain individual properties have physically changed in valuation, they may use the current year's appraisal times 1/2 the previous year's tax rate to compute the partial payment; **provided further that the governing body may adjust the 1/2 previous year's tax rate by an amount sufficient to collect 1/2 of the increase or decrease in the Statewide Education Property Tax.**

We will provide our final draft of proposed legislation after our meeting with DRA later this month.

**New Hampshire Municipal Association
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Floor Policy Proposal

Submitted by (name) **Bentti Hoiska** Date **August 13, 2010**

Town **New Ipswich** Title of Person Submitting Policy _ **SELECTMAN**

Floor Policy Proposal approved by vote of the governing body on (date) **AUGUST 17, 2010**

To see if NHMA will SUPPORT: Change to RSA 72-B:1 I to raise the Excavation tax significantly (e.g., .20 per yard) or failing that to eliminate the Excavation Tax of .02 per yard entirely.

RSA 72-B:1 Excavation Tax and Taxation of Excavation Area. –

I. Earth, as defined in RSA 155-E:1, I, shall be exempt from taxation as real property under RSA 72:6 and RSA 72:13. An excavation tax shall be assessed upon the excavation of earth against an owner as defined in RSA 72-B:2, VIII. Such tax shall be assessed at the rate of \$.02 per cubic yard of earth excavated.

Vote: Yes-0 No-9

Municipal interest to be accomplished by proposal: **The Excavation Tax of .02 per yard is not enough to make the collection worthwhile; increasing it would cover some of the collection costs and provide an opportunity to generate tax revenue.**

Explanation:

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New Hampshire Municipal Association
2011-2012 Legislative Policy Process

Floor Policy Proposal

Submitted by (name) Bentti Hoiska Date August 13, 2010

City or Town New Ipswich Title of Person Submitting Policy _____ Selectmen _____

Floor Policy Proposal approved by vote of the governing body on (date) AUGUST 17, 2010

To see if NHMA will SUPPORT: Additional wording to 105:9 III that the decision to assign details can be overridden by a unanimous vote of the Board of Selectmen when the work involves details in the town.

105:9 Police Attendance at Public Meetings or Functions. –

III. The chief of police shall have the authority to assign police details to attend any public meetings or functions which he determines may potentially:

- (a) Involve traffic-related problems; or
- (b) Lead to a public disturbance or public nuisance; or
- (c) Endanger public health, safety or welfare.

Vote: Yes-6 No-3

Municipal interest to be accomplished by proposal: There may be times when it is not cost effective to assign details and the use of flaggers is justified. Allowing the Selectmen to override the decision by the Police Chief will provide an additional check and balance.

Explanation: Under normal conditions the Police Chief decision will continue to decide when details are necessary. This provides a mechanism for the Selectmen to review the need for police details.

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DEADLINE TO SUBMIT - AUGUST 13, 2010

Submitted by (name) ABOUL B. KHAN Date AUGUST 5, 2010

City or Town SEABROOK Title of Person Submitting Policy CHAIRMAN, BOARD OF SELECTMEN

Floor Policy Proposal approved by vote of the governing body on (date) AUGUST 4, 2010

To see if NHMA will SUPPORT/~~OPPOSE~~:

Legislation to provide that expansion of gambling in New Hampshire be allowed and based on local home rule, rather than State Legislative decisions.

Vote: yes-6 No-3

Municipal interest to be accomplished by proposal:

Allows municipalities to determine on their own whether they wish to have gambling expanded in their communities.

Explanation:

Promotes local decision making and local authority.

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2011-2012 Legislative Policy Process Floor Policy Proposal

DEADLINE TO SUBMIT - AUGUST 13, 2010

Submitted by (name) Will Fenno, M.D. Date August 11, 2010

City or Town Sharon Title of Person Submitting Policy Selectmen's Assistant

Floor Policy Proposal approved by vote of the governing body on August 3, 2010

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

To see if NHMA will SUPPORT: the establishment of a legislative committee to study the repeal of RSA 128 relating to Town Health Officers and the re-enactment of RSAs 125:1 and 125:2 or enactment of new legislation providing for a New Hampshire Health Department staffed by medical professionals, and funding of same.

Vote: Yes-1 No-8

Municipal interest to be accomplished by proposal: Provision of uniform, high-quality public health services for the citizens of all municipalities with their costs shared statewide.

Explanation: At a time during which threats to the public health such as emerging infectious diseases and terrorism are evolving and increasing yearly, the existing system of volunteer, amateur Health Officers is dangerously antiquated. New Hampshire's lack of a meaningful department of health is a disgrace and leaves us all vulnerable to disaster.

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**2011-2012 Legislative Policy Process
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DEADLINE TO SUBMIT - AUGUST 13, 2010

Submitted by (name) Donna Nashawaty Date July 27, 2010
 City or Town Sunapee Title of Person Submitting Policy Town Manager

Floor Policy Proposal approved by vote of the governing body on (date) July 26, 2010

To see if NHMA will SUPPORT/OPPOSE:

To see if NHMA will TAKE NO POSITION on the collection of the statewide
property tax.

Vote: yes-7 no-2

Municipal interest to be accomplished by proposal:

Stay neutral in legislation relative to the statewide property tax where
members have diverging opinions.

Explanation:

The Coalition Communities wish to present and study a variety of options for the
statewide property tax, including the state's taking ownership of the issuance and
collection of the tax. Because the possibility of the collection taking place at the state level
has, in the past, caused some communities to object because the float would be lost as
income, we would like NHMA to take the same position as the base SWPT, which is to
take no stance since it affects communities on both sides of the action.

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Voted 7-26-10 unanimous