

# SELECT BOARD & RECREATION COMMISSION WORKSHOP

**DATE:** 6:00pm Monday, May 6, 2014

**HELD:** Public Safety Complex (2nd Floor Meeting Room) 20 George Bennett Rd, Lee

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THE PURPOSE OF THIS WORKSHOP IS TO ESTABLISH AND MAINTAIN EFFECTIVE COMMUNICATION BETWEEN THE BOARD OF SELECTMEN AND THE RECREATION COMMISSION, PROPOSE AND IMPLEMENT GUIDELINES AND DEFINE AUTHORITY, RESPONSIBILITIES, AND EXPECTATIONS FOR THE RECREATION COMMISSION.

1. Call to Order - 6:00 pm
2. Establish clear lines of authority and responsibilities of the commission.
3. Discuss facility and programming needs.
4. Establish a common vision in moving forward with current and future recreation needs of the citizens of Lee.
5. Discuss funding.
6. Discuss any additional topics relevant to the operation of the Rec Commission.
7. Adjournment

**Posted: Town Hall, Public Safety Complex, Public Library and on [leenh.org](http://leenh.org) on May 2, 2014**

Individuals needing assistance or auxiliary communication equipment due to sensory impairment or other disabilities should contact the Town Office at 659-5414. Please notify the town six days prior to any meeting so we are able to meet your needs.

# TITLE III

## TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

### CHAPTER 35-B

#### PUBLIC RECREATION AND PARKS

##### Section 35-B:1

**35-B:1 Establishment and Management.** – Any town, city, county, village district or school district acting through its governing body, may either independently or in conjunction with the United States, the state of New Hampshire, or any other political subdivision acquire land within or without its jurisdiction by gift, purchase or lease, for a public recreation and park area and may prepare, equip, and maintain said land for said purpose. Said town, city, county or district may establish a system of reasonable fees and charges thereon; may conduct and promote leisure-time activities thereon. In connection therewith, any such town, city, county, or district may construct, reconstruct, equip, operate, and maintain any recreation building or recreation support facility; and may employ an administrative officer and such other persons as it deems necessary to carry out the provisions of this chapter. Any town, city, county or district shall have the power to jointly enter into any contract with any organization or organizations for the purpose of conducting leisure-time programs, acquiring recreational lands or facilities, or exercising any other power granted by this chapter.

**Source.** 1979, 185:1, eff. Aug. 5, 1979.

##### Section 35-B:2

**35-B:2 Tax and Appropriations.** – Any town, city, county, village district or school district may raise annually revenues and appropriate funds for the purpose described in RSA 35-B:1 and also may raise such sums when the land upon which such activities are conducted belongs to or is leased by the state. The money necessary to pay for lands or other recreation purposes described in RSA 35-B:1 may be raised and appropriated by the board or body having control over the finances of a political subdivision by the following methods:

I. General taxation, as other taxes are raised and levied or by the issuance of temporary loan bonds or by the issuance of permanent bonds to the extent, and with the authority authorized by existing law.

II. By fees and charges for recreation park services and facilities. All revenue from such fees and charges may be deposited into a special fund established for such purposes pursuant to RSA 31:95-c, or into a recreation revolving fund established by vote of the legislative body. If such a recreation revolving fund is created, the money in the fund shall be allowed to accumulate from year to year, and shall not be considered part of the political subdivision's general surplus. The treasurer of the political subdivision shall have custody of all moneys in such fund, and shall pay out the same only upon order of the recreation or park commission, or other board or body designated by the local legislative body at the time the fund is created. Such funds may be expended only for the purposes of this chapter, and no expenditure shall be made in such a way as to require the expenditure of, or create a liability upon, other town funds which have not been appropriated to that purpose. If such recreation revolving fund

is rescinded by vote of the legislative body, any remaining amounts in the fund shall become part of the general fund accumulated surplus.

**Source.** 1979, 185:1. 1993, 161:1, eff. July 23, 1993. 2012, 181:3, eff. Aug. 10, 2012.

### **Section 35-B:3**

**35-B:3 Officials and Powers.** – The power conferred by RSA 35-B:1 may be exercised by a recreation or park commission or any other board or commission as authorized by the governing body of the political subdivision and charged with the responsibility of providing leisure-time services within the political subdivisions' jurisdiction. These powers may be divided as directed by the governing body. The commission shall have powers as are necessary to carry out the purpose for which it is created. These powers may include but not be restricted to the power:

I. To acquire, hold and dispose of real and personal property; provided, however, the disposal of any real property shall have prior approval of the appropriate legislative body.

II. To make contracts;

III. To grant concessions;

IV. To make charges for the use of facilities or for participation;

V. To make and enforce rules and regulations governing the use of property, facilities or equipment and the conduct of persons thereon;

VI. To contract with any municipal corporation, governmental or private agencies for the conduct of park and recreation programs;

VII. To operate jointly with other governmental units any facilities or property including participation in the acquisition; and

VIII. To hold trust or manage public property useful to the accomplishment of its objectives.

**Source.** 1979, 185:1, eff. Aug. 5, 1979. 1997, 53:1, 2, eff. July 18, 1997.

### **Section 35-B:4**

**35-B:4 Recreation or Park Commission.** – If any town, city, county, or village district decides that the above powers shall be exercised by a recreation or park commission, it shall consist of citizens of such town, city, county, or village district. In cities the citizens shall be appointed by the mayor or city council, subject to provisions of the city charter; in towns by the selectmen; and in other political subdivisions by the governing body of the subdivision. The persons initially appointed to the commission shall serve staggered terms. Their successors shall be appointed under the same appointing procedure for 3 years. Vacancies as they occur shall be filled by the appointing authority for the unexpired term. Any city or town may by ordinance or resolution provide that the mayor or a selectman, or councilman, shall be an ex officio member of the commission.

**Source.** 1979, 185:1. 1993, 29:1, eff. June 7, 1993. 1997, 53:3, eff. July 18, 1997. 2010, 226:5, eff. Aug. 27, 2010.

### **Section 35-B:5**

**35-B:5 Organization and Procedures for Operation of Recreation or Park Commission.** – The commission shall from its own number elect a chairperson, secretary, and other necessary officers to serve one year, or until their successors are elected. The commission shall meet at least quarterly. All regular meetings of the commission shall be open to the public. A majority of the members of the

commission shall constitute a quorum. Any action is not official unless authorized by a majority of the total membership. The commission shall also have the power to adopt other rules of procedure and prescribe regulations for the conduct of all business within its jurisdiction necessary to carry out the functions for which it was created.

**Source.** 1979, 185:1, eff. Aug. 5, 1979. 1997, 53:4, eff. July 19, 1997.

### **Section 35-B:6**

**35-B:6 Use of Public Property.** – All public property may be used for leisure time activities, provided that prior approval for its use has been granted by the appropriate authority in charge of that property. A cooperating agency may establish its own system of just compensation for the use of such properties. Similarly, any authority or body in charge of any public property may refuse use of its property for leisure service activities if interference in the intended use of the property would result.

**Source.** 1979, 185:1, eff. Aug. 5, 1979.

### **Section 35-B:7**

#### **35-B:7 Cooperative Arrangements Between Political Subdivisions and Other Agencies. –**

I. Any 2 or more towns, cities, counties, or other political subdivisions, may severally vote to establish cooperative arrangements for carrying out the purposes of this chapter. Appropriate action by ordinance, resolution or otherwise shall be necessary before any such agreement may take effect.

II. Any such agreement shall specify the following:

- (a) Its duration;
- (b) The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto;
- (c) Its purpose or purposes;
- (d) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor;
- (e) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination;
- (f) Any other necessary and proper provisions.

III. In the event that the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall, in addition to the above listed items, contain the following:

- (a) Provisions for an administrator or a joint board responsible for administering the joint or cooperative undertaking. Any public agencies which are a party to the agreement shall be represented on any joint board established.
- (b) The manner of acquiring, holding and disposing of real and personal property used in the joint or cooperative undertaking.

IV. No agreement made pursuant to this section shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, said performance may be offered in satisfaction of the obligation or responsibility. Financing of joint projects by agreement shall be as provided by law.

**Source.** 1979, 185:1, eff. Aug. 5, 1979.