

SUNAPEE BOARD OF SELECTMEN
MEETING AGENDA
6:30PM Town Office Meeting Room
Monday, August 27, 2018

1. REVIEW OF ITEMS FOR SIGNATURE:

CZC's:

Parcel ID: 0133-079-0000 Harbor Hill Road, SFD Trust

DRIVEWAY PERMIT:

Parcel ID: 0225-0027-0001 Youngs Hill Road, Robert Gallup

Parcel ID: 0225-0027-0002 Youngs Hill Road, Robert Gallup

PERMIT TO EXCAVATE:

Parcel ID: 0125-0052-0000 & 0125-0053-0000 56 & 58 Georges Mills Road, Michael Kemp

2. APPOINTMENTS

7:00PM – Betsy Lyons, Sunapee Gardeners

7:05PM-Nicole Gage, Final Draft Certificate of Compliance (CZC) Application

7:30PM-Richard Raps- Zoning Board Complaint

3. PUBLIC COMMENTS:

4. SELECTMEN ACTION

- Sign MS-1
- Veto Overrides
- 2018-2019 Legislative Policy Discussion

5. CHAIRMAN'S REPORT

- Share feedback on potential boat launch ordinance
- Discuss process for introducing potential new ordinances in the future
- Brainstorm resources for posting official documents to town website (e.g., existing administrative staff, library aide, volunteer, intern, temp agency worker)
- Update on status of accepting textiles at the Sunapee transfer station
- Update on \$40,000 ramp to Thrift Shop

6. TOWN MANAGER REPORTS

- Summer Town Meeting: Answers to Written Questions & Suggestion for Next Year
- Health Insurance Survey
- TAP Application for September 7

7. UPCOMING MEETINGS:

08/30-5:30PM Water & Sewer Commission, Town Meeting Room

09/03-Labor Day, Town Offices Closed for Holiday

09/05-7:00PM Conservation Commission, Town Meeting Room

09/06-7:00PM Zoning Board, Town Meeting Room

09/06-7:00PM Sestercentennial Committee, Safety Services Building

Barbara Vaughn

From: Donna Nashawaty
Sent: Wednesday, August 15, 2018 12:57 PM
To: Barbara Vaughn
Cc: 'Josh Trow (josh.trow@gmail.com)'
Subject: agenda

Richard Raps has contacted me to get on the BOS agenda and I have given him a 7:30 appointment with the board at the next BOS meeting. He would like to have the BOS consider RSA 673:13, to remove Zoning Board members Aaron Simpson and Chairman Dan Schneider. He is representing that at the June 21st Zoning Board meeting, Aaron Simpson used the words Jesus Christ as a belittling name calling when Mr Raps explained that he was now renting his home to his ex wife. I will have the place in the meeting where that occurred. Mr Raps said his wife is a Jehovah Witness and that is something that is offensive. In addition he thinks Aaron told him to shut up.....he said the chair should have found Aaron out of order.

Donna

Donna Nashawaty
Town Manager

Town of Sunapee
23 Edgemont Road
Sunapee, NH 03782

603 763-2212

Donna Nashawaty

From: Donna Nashawaty
Sent: Wednesday, August 22, 2018 8:25 AM
To: 'us@burkehaven.com'
Subject: RE: Selectmen's Meeting

Are you asking for all three members you list below to be considered for removal?

Thanks
Donna

From: Burkehaven Lodge <burkehaven@gmail.com>
Sent: Tuesday, August 21, 2018 4:58 PM
To: Donna Nashawaty <Donna@town.sunapee.nh.us>
Cc: rick@burkehaven.com
Subject: Selectmen's Meeting

Hi Donna,

Here is the information you requested on the zoning meeting.

1. Approximately 9 minutes into the video Arron Simpson makes the response to the question Doris Raps answered for Daniel Schneider.
2. Approximately 21 minutes to 28 minutes Aaron Simpson starts going off on an unrelated topic not related to why I was there. After open discussion was closed.
3. Approximately 16 minutes into the video, George Neuwirt made a remark about me.

Would you please email the rules you discussed on removing a zoning board member?

Sincerely,

Rick Raps

www.burkehaven.com

Burkehaven Lodge
179 Burkehaven Hill Rd.
Sunapee, NH 03782
603-763-278

TITLE LXIV PLANNING AND ZONING

CHAPTER 673 LOCAL LAND USE BOARDS

General Provisions

Section 673:13

673:13 Removal of Members. –

- I. After public hearings, appointed members and alternate members of an appointed local land use board may be removed by the appointing authority upon written findings of inefficiency, neglect of duty, or malfeasance in office.
- II. The board of selectmen may, for any cause enumerated in paragraph I, remove an elected member or alternate member after a public hearing.
- III. The appointing authority or the planning board shall file with the city or town clerk, the village district clerk, or the clerk for the county commissioners, whichever is appropriate, a written statement of reasons for removal under this section.
- IV. The council, selectmen, county commissioners with the approval of the county delegation, or district commissioners may for any cause enumerated in this section remove the members selected by them.

Source. 1983, 447:1. 1989, 266:11, eff. July 1, 1989.



Sunapee
Summary Inventory of Valuation

Reports Required: RSA 21-J:34 as amended, provides for certification of valuations, appropriations, estimated revenues and such other information as the Department of Revenue Administration may require upon reports prescribed for that purpose.

Note: The values and figures provided represent the detailed values that are used in the city/towns tax assessments and sworn to uphold under Oath per RSA 75:7.

For assistance please contact:
NH DRA Municipal and Property Division
(603) 230-5090
<http://www.revenue.nh.gov/mun-prop/>

Assessor
NORMAND BERNAICHE (Chief Assessor)

Municipal Officials		
Name	Position	Signature
Joshua Trow	Selectboard-Chair	
Suzanne Gottling	Selectboard-Vice Chair	
Frederick Gallup	Selectboard	
John Augustine	Selectboard	
Shane Hastings	Selectboard	

Preparers		
Name	Phone	Email
Normand Bernaiche	7632212	assessor@nl-nh.com
Normand Bernaiche	7632212	assessor@nl-nh.com

Preparer's Signature



New Hampshire
Department of
Revenue Administration

**2018
MS-1**

Land Value Only		Acres	Valuation
1A	Current Use RSA 79-A	6,542.53	\$527,591
1B	Conservation Restriction Assessment RSA 79-B	0.00	\$0
1C	Discretionary Easements RSA 79-C		
1D	Discretionary Preservation Easements RSA 79-D		
1E	Taxation of Land Under Farm Structures RSA 79-F		
1F	Residential Land	4,353.87	\$592,323,100
1G	Commercial/Industrial Land	262.71	\$13,821,000
1H	Total of Taxable Land	11,159.11	\$606,671,691
1I	Tax Exempt and Non-Taxable Land	1,398.75	\$18,486,699

Buildings Value Only		Structures	Valuation
2A	Residential		\$581,649,800
2B	Manufactured Housing RSA 674:31		\$1,045,300
2C	Commercial/Industrial		\$29,859,600
2D	Discretionary Preservation Easements RSA 79-D		
2E	Taxation of Farm Structures RSA 79-F		
2F	Total of Taxable Buildings		\$612,554,700
2G	Tax Exempt and Non-Taxable Buildings		\$33,694,500

Utilities & Timber		Valuation
3A	Utilities	\$10,089,722
3B	Other Utilities	\$0
4	Mature Wood and Timber RSA 79:5	

5 Valuation before Exemption \$1,229,316,113

Exemptions		Total Granted	Valuation
6	Certain Disabled Veterans RSA 72:36-a		
7	Improvements to Assist the Deaf RSA 72:38-b V		
8	Improvements to Assist Persons with Disabilities RSA 72:37-a		
9	School Dining/Dormitory/Kitchen Exemption RSA 72:23-IV		
10A	Non-Utility Water & Air Pollution Control Exemption RSA 72:12		
10B	Utility Water & Air Pollution Control Exemption RSA 72:12-a		

11 Modified Assessed Value of All Properties \$1,229,316,113

Optional Exemptions		Amount Per	Total Granted	Valuation
12	Blind Exemption RSA 72:37	\$15,000	1	\$15,000
13	Elderly Exemption RSA 72:39-a,b		4	\$260,000
14	Deaf Exemption RSA 72:38-b			
15	Disabled Exemption RSA 72:37-b			
16	Wood Heating Energy Systems Exemption RSA 72:70			
17	Solar Energy Systems Exemption RSA 72:62			
18	Wind Powered Energy Systems Exemption RSA 72:66			
19	Additional School Dining/Dorm/Kitchen Exemptions RSA 72:23			

20	Total Dollar Amount of Exemptions		\$275,000
21A	Net Valuation		\$1,229,041,113
21B	Less TIF Retained Value		\$0
21C	Net Valuation Adjusted to Remove TIF Retained Value		\$1,229,041,113
22	Less Utilities		\$10,089,722
23A	Net Valuation without Utilities		\$1,218,951,391
23B	Net Valuation without Utilities, Adjusted to Remove TIF Re		\$1,218,951,391



Utility Value Appraiser

Company provided values equalized

The municipality **DOES NOT** use DRA utility values. The municipality **IS NOT** equalized by the ratio.

Electric Company Name	Valuation
NEW HAMPSHIRE ELECTRIC COOP	\$1,787,222
PSNH DBA EVERSOURCE ENERGY	\$8,302,500
	\$10,089,722



Veteran's Tax Credits	Limits	Number	Est. Tax Credits
Veterans' Tax Credit RSA 72:28	\$500	141	\$70,500
Surviving Spouse RSA 72:29-a	\$1,400		
Tax Credit for Service-Connected Total Disability RSA 72:35	\$2,000	7	\$14,000
All Veterans Tax Credit RSA 72:28-b			
		148	\$84,500

Deaf & Disabled Exemption Report

Deaf Income Limits	
Single	
Married	

Deaf Asset Limits	
Single	
Married	

Disabled Income Limits	
Single	
Married	

Disabled Asset Limits	
Single	
Married	

Elderly Exemption Report

First-time Filers Granted Elderly Exemption for the Current Tax Year

Age	Number
65-74	1
75-79	
80+	1

Total Number of Individuals Granted Elderly Exemptions for the Current Tax Year and Total Number of Exemptions Granted

Age	Number	Amount	Maximum	Total
65-74	1	\$35,000	\$35,000	\$35,000
75-79	0	\$55,000	\$0	\$0
80+	3	\$75,000	\$225,000	\$225,000
	4		\$260,000	\$260,000

Income Limits	
Single	\$25,000
Married	\$34,000

Asset Limits	
Single	\$75,000
Married	\$75,000

Has the municipality adopted Community Tax Relief Incentive? RSA 79-E

Adopted? Yes Number of Structures: 0

Has the municipality adopted Taxation of Certain Chartered Public School Facilities? RSA 79-H

Adopted? No Number of Properties:

Has the municipality adopted Taxation of Qualifying Historic Buildings? RSA 79-G

Adopted? No Number of Properties:



Current Use RSA 79-A	Total Acres	Valuation
Farm Land	496.72	\$160,509
Forest Land	4,463.41	\$299,832
Forest Land with Documented Stewardship	918.04	\$54,804
Unproductive Land	249.45	\$4,590
Wet Land	414.91	\$7,856
	6,542.53	\$527,591

Other Current Use Statistics

Total Number of Acres Receiving 20% Rec. Adjustment	Acres:	3,354.76
Total Number of Acres Removed from Current Use During Current Tax Year	Acres:	8.10
Total Number of Owners in Current Use	Owners:	153
Total Number of Parcels in Current Use	Parcels:	234

Land Use Change Tax

Gross Monies Received for Calendar Year		\$12,506
Conservation Allocation	Percentage: 50.00%	Dollar Amount:
Monies to Conservation Fund		\$6,253
Monies to General Fund		\$6,253

Conservation Restriction Assessment Report RSA 79-B

	Acres	Valuation
Farm Land		
Forest Land		
Forest Land with Documented Stewardship		
Unproductive Land		
Wet Land		

Other Conservation Restriction Assessment Statistics

Total Number of Acres Receiving 20% Rec. Adjustment	Acres:	
Total Number of Acres Removed from Conservation Restriction During Current Tax Year	Acres:	
Owners in Conservation Restriction	Owners:	
Parcels in Conservation Restriction	Parcels:	



Discretionary Easements RSA 79-C **Acres** **Owners** **Assessed Valuation**

Taxation of Farm Structures and Land Under Farm Structures RSA 79-F

Number Granted **Structures** **Acres** **Land Valuation** **Structure Valuation**

Discretionary Preservation Easements RSA 79-D

Owners **Structures** **Acres** **Land Valuation** **Structure Valuation**

Map **Lot** **Block** **%** **Description**

This municipality has no Discretionary Preservation Easements.

Tax Increment Financing District **Date** **Original** **Unretained** **Retained** **Current**

This municipality has no TIF districts.

Revenues Received from Payments in Lieu of Tax

Revenue **Acres**

State and Federal Forest Land, Recreational and/or land from MS-434, account 3356 and 3357
 White Mountain National Forest only, account 3186

Payments in Lieu of Tax from Renewable Generation Facilities (RSA 72:74)

Amount

This municipality has not adopted RSA 72:74 or has no applicable PILT sources.

Other Sources of Payments in Lieu of Taxes (MS-434 Account 3186)

Amount

This municipality has no additional sources of PILTs.



New Hampshire
Department of
Revenue Administration

2018
MS-1

Notes

Barbara Vaughn

From: Donna Nashawaty
Sent: Friday, August 17, 2018 5:20 AM
To: fgallup@msn.com; Frederick C. Gallup (fgallup@mtsunapee.com); Barbara Vaughn; John Augustine (dexters@tds.net); Josh Trow (josh.trow@gmail.com); Shane Hastings; Suzanne Gottling
Subject: FW: Veto overrides
Attachments: 446 overridegenltr.docx; 446 overridemayorsltr.docx; SB 365 and 446 Information.pdf; AltTown Veto Override Letter.docx

This directly affects us. We should consider. I have sent for reading ahead of time and will put on the agenda for our next meeting. I don't know what the timing of the vote is and have inquired.

Thanks
Donna

PS Barb can you include the documents above and the email with the next agenda and put on an item under selectmen's action where they can consider action.

-----Original Message-----

From: Richard Norman [mailto:rnorman@essexhydro.com]
Sent: Thursday, August 16, 2018 4:06 PM
To: Donna Nashawaty <Donna@town.sunapee.nh.us>
Subject: Veto overrides

Donna, I don't think we've met. I'm the past President of GSHA and have been asked to coordinate the ongoing veto override effort for SB 446 and SB365. Materials are attached that explain the effort.

As the representative of a town owned hydro facility we hope that you'll be able to circulate a copy (ies) of the enclosed petition and consider drafting a letter from the Town to the legislature in support of the veto override effort. You can see from the attached information that at least 11 of the 13 state mayors have joined the effort and we expect more letters of support from hydro located towns. We're told letters from towns and cities to the legislature will carry considerable weight.

According to our records Reps. LaWare, Rollins and Smith all voted for the Harrington amendment to SB 446 that essentially was a vote against 446. SB 446 was approved by a bipartisan voice vote. You are well aware of the benefits of small hydro. SB446 will expand the ability of more small hydro projects to sell their output to Towns, Schools, and businesses. Any help you can provide to have one or more of the representatives to reconsider their position on the override vote would be of significant help.

If they are not familiar with your plant we suggest you offer a plant tour. We'd be happy to arrange for a GSHA representative to participate in that tour. Alternatively, my company, Essex Hydro, would be happy to conduct a tour of our plants in Penacook at a time of their convenience.

I should also mention that the override effort for SB446 is combined with SB365. By way of explanation, we believe the Governors veto was in error. Although the biomass plants may receive a subsidy, we think that using a broader view of the issue, the statewide benefits of continued operation of the biomass plants well outweigh the addition energy cost.

Others may have different views as to SB 446 and SB 365.

I hope you'll contact me to obtain copies of the petition and for any other questions you may have.

Thanks, Dick Norman

GRANITE STATE HYDROPOWER ASSOCIATION, INC.

TWO COMMERCIAL STREET
BOSCAWEN, NEW HAMPSHIRE 03303

TELEPHONE: 603-753-4577
EMAIL: gsha@essexhydro.com

August 16, 2018

To: GSHA Project Owners

Subject: Veto override effort for Senate Bills 365 and 446

You are probably aware Governor Sununu recently made controversial vetoes of Senate Bills 365 and 446. Senate Bill 365 proposes to extend for three years an arrangement whereby the states 6 biomass plants would be able to sell their energy at 80% of the utility default rate. Senate Bill 446 would increase from 1 MW to 5 MW the size of renewable energy plants that would qualify for net metering. It's important to note that SB 365 received more than 220 *bipartisan* votes in the house approving this bill, SB 446 was approved by a *bipartisan* voice vote in the house.

Bob King has asked that I coordinate GSHA efforts to cause the legislature to override the Governors vetoes. Specifically, what we're asking you to do is get petitions signed by NH voters including your employees, family, friends and others with whom you do business. These petitions will be presented to the NH legislature urging them to vote to override the Governor's vetoes. We're also asking you to contact your local government and seek to get them to sign a letter supporting the veto override.

In order for an override to pass it is necessary to receive a 2/3 vote of state representatives and senators to override the Governor's action. In NH, the legislature schedules an "Override Day" when the legislature meets to vote on any bills where an override is sought. This year "Override Day" will be September 13. The biomass, solar and hydro industries are working together to override the Governor's vetoes. There already has been substantial work completed to try to obtain an override. As an example, the mayors of at least 12 of the 13 cities in NH have agreed to sign a joint letter to the legislature urging the legislature to override these vetoes.

I'm enclosing with this letter a copy of the form of petition that we'd like circulated for signatures. Also enclosed is a background piece that explains why the governor's veto of SB 365 and 446 should be overridden. Take a look at the map that shows the various areas in NH that will be impacted if SB 365 and 446 are not passed. There are literally hundreds of NH workers who will lose their jobs, some of whom you may know. Finally, you'll find a copy of the letter that will be signed by the states' mayors and a Word version of a draft letter that could be used by your local government if they are willing to sign in support of the veto override. We're told that if sufficient letters can be obtained from the cities and towns supporting the overrides, this could be crucial in getting favorable legislative action.

There will be a public rally held on the statehouse lawn on September 6th. The biomass, solar and small hydro industries are trying to maximize attendance. We ask that you, your employees and family make a point of attending this rally. More details on the rally will be forwarded at a later date.

So now, a personal comment from me, not from GSHA. GSHA has been able to obtain substantial benefits for its members in past years. Successful efforts include favorable RPS programs, net metering legislation and authorization of PILOT agreements. The financial benefits have been substantial, particularly for projects with <1MW of capacity. Generally, only a small number of the project owners have participated in the work necessary to obtain these benefits. This is one time where GSHA is asking all of its members to participate in some fashion in the override effort. At a minimum, please take one of more petitions and get some signatures. Next, if you can, contact your local government and see if you can obtain a letter from them. Lastly, if you're able, attend the September 6th rally.

In an effort like this, it doesn't work for me to simply send this letter and hope you'll respond. There's no way to know who, if anyone, will join in this effort. So, I'm asking you to acknowledge receipt of this letter by email or phone (617-367-0032). If you're willing to join in the effort we will send you hard copies of the petitions (tell us how many you'd like) as well as color copies of the other information attached to this letter. Sheila Burge will be working with me in our office to coordinate the GSHA effort.

If you have any further ideas to make this a successful effort, if you have any questions or encounter anyone who wants more details, please contact me or Sheila.

I certainly hope the small hydro industry will play its part in the override effort. A lot of people in NH have a lot to lose if the override effort fails.

Thanks for your consideration.

Very truly yours,

Dick Norman

Cc: B. King
H Kroll

GRANITE STATE HYDROPOWER ASSOCIATION, INC.

TWO COMMERCIAL STREET
BOSCAWEN, NEW HAMPSHIRE 03303

TELEPHONE: 603-753-4577
EMAIL: gsha@essexhydro.com

A copy of the proposed letter from NH Mayors

August __, 2018

The Honorable Chuck Morse
President of the Senate
House
Concord NH 03301

The Honorable Gene Chandler
Speaker of the House
State House
Concord NH 03301

The Honorable Donna Soucy
Senate Democratic Leader
State House
Concord NH 03301

The Honorable Steve Shurtleff
House Democratic Leader
State House
Concord NH 03301

Dear Senate President Morse, Speaker Chandler, Senator Soucy, and
Representative Shurtleff:

We the undersigned mayors of the cities of Berlin, Claremont, Concord, Dover, Franklin, Keene, Laconia, Lebanon, Manchester, Nashua, Portsmouth, Rochester and Somersworth respectfully ask that the Senate and House vote to override Governor Chris Sununu's vetoes of Senate Bill 446 and Senate Bill 365, when you return to session on September 13th.

We believe strongly that clean and local renewable energy and greater efficiency in how we use all energy will be vitally important to our cities' future economic vitality and environmental quality. As such, we favor policies enacted at the state level that reinforce existing renewable electric generation, foster expansion of new renewable energy technologies through net metering, and greater investments in efficiency. We believe both Senate Bill 446 and Senate Bill 365 represent such policies, and we are appreciative that strong bi-partisan majorities of both chambers of the NH General Court did as well during voting in the session that just ended.

Notwithstanding Governor Sununu's veto messages on these bills, we believe these bills will engender long term savings to ratepayers and reinforce critical energy supply diversity. SB 446 will enable our cities to attract private investments in clean energy which will, in turn, directly lower rates for our citizens. A number of our communities are working on projects to accomplish those goals. Unfortunately, those projects would have to be shelved if SB 446 is rejected. Hundreds of millions of dollars in solar and hydropower projects are now at risk of not being realized because of this situation. This is an error which can still be corrected.

We also stand with our neighboring communities that the impact of the veto on SB 365 is harming local jobs and local economies. For example, nearly 1,000 jobs directly tied to the biomass industry in New Hampshire are at risk of being lost. In addition, a recent Plymouth State University study concluded the biomass industry contributes \$254 million dollars to the state's economy each year in a variety of ways that benefit our energy sector,

protect wildlife and the preserve our state's forests. There are serious unintended consequences involved in vetoing SB 365 which can be avoided with an override vote.

Impacts of the vetoes are already being felt by the state's \$1.4 billion timber industry; projects taken offline, biomass plants shuttered, workers furloughed and an imbalance between energy policy and the state's economic and environmental policies. We must reverse these impacts. These two bills reflect the right balance between forward-thinking energy policy, basic economics and preserving a strong and healthy environment for New Hampshire. It's precisely why both proposals received overwhelming support earlier this year from both the NH House and Senate.

We respectfully ask that you, as leaders of the two chambers, communicate our support for the veto overrides of Senate Bill 365 and Senate Bill 446 to your respective caucuses. Our state must look forward on energy policy and recognize that investments in local, cleaner and more efficient energy will generate innumerable benefits to our cities, our towns, and our citizens into the future.

We thank you for your consideration.

Sincerely and respectfully,



The Governor made a mistake in vetoing SB365 & SB446.

In his veto message, the Governor made some serious errors and incorrect arguments.

Setting the record straight on the veto of these important bills.

Vetoing SB365 and SB446 has grave consequences for the Granite State, including:

- **No savings on electric rates** - NH's share of regional generation capacity costs will actually increase by **\$17 million annually**
- Nearly **1,000 local jobs at risk** statewide
- A previously vibrant, robust **forest management system on the brink of collapse**
- Severe **decline in NH's energy diversity**
- No opportunity to offset an expected **\$4 billion increase** in transmission & distribution costs
- Closure of the state's only waste-to-energy facility will **eliminate the only assured destruction facility for unused prescription drugs**, increasing the cost of disposing of these drugs and **impacting the state's ability to combat the opioid crisis**

By using more locally produced energy, NH can better manage its share of regional transmission costs, the fastest growing part of our electricity bills.

This leads to lower electricity costs for all Granite Staters.

NH's small hydro, biomass, solar generation facilities, and waste-to-energy plant annually generate over one million megawatt hours of electricity.

The vetoes are already having devastating effects on industries across NH through business closures, job losses, less in-state energy generation, cancelled projects and equipment orders, and decreased economic activity. Energy users are being denied the freedom to be potential energy suppliers, hindering new, immediate local supplies to our statewide energy grid.

The legislature can help. Stand with NH jobs and NH energy.

NH House and Senate lawmakers can correct this mistake by endorsing SB365 & SB446, which both received overwhelming support in the Senate & House.

#OverrideTheVetoes #NHJobsNHEnergy #YesOnSB446 #YesOnSB365



OVERRIDE THE VETOES

The Governor's veto of SB365 & SB446 hurts NH.

SB365 provides a three-year bridge for NH's six independent biomass power plants and the state's only waste-to-energy facility by requiring utilities to purchase power at a 20% discount from the default service rate. **SB446** increases the allowable size of an electric generation project that a business, school, or municipality can use to self-generate power (aka "net meter") to 5 megawatts and sets the electricity sale and purchase pricing to avoid cost-shifting.

These bills are critical for NH's energy industry & economy.

Positive economic impacts

- SB365 supports the **\$1.4 billion** NH timber industry
- Every year, the six plants and timber industry affected by SB365 provide **\$254.5 million** in economic activity
- SB446 could support **\$125 million** worth of investments in NH in one year alone and millions of dollars in savings on electric bills

The biomass industry supports over

930 NH jobs

The solar industry supports over

1,000 NH jobs

Significant energy contributions

- SB365 & SB446 ensure **energy diversity & independence in NH**
- SB365 & SB446 provide over **120MW of electricity to the grid**, with potential for more homegrown generation
- These bills provide the opportunity for businesses & communities to **provide power & save money**

Preserve & protect what makes NH special

- SB365 & SB446 **support wise forest management & land use**: 40% of all cut wood is used in biomass energy
- Wise land management supports **tourism and community resiliency**
- NH is the **2nd** most forested state in the nation

The legislature can help.

NH House and Senate lawmakers can correct this mistake by simply reaffirming their overwhelming support & votes in the Senate and in the House for SB365 and SB446.

#OverrideTheVeto **#NHJobsNHEnergy** **#YesOnSB365** **#YesOnSB446**

AFFECTED BY VETOES OF SB 365 & SB 446

★ = Independent biomass power plants (25 MWs or less)

■ = Larger Sawmills

● = Sampling of biomass suppliers/brokers by business office location. Logging occurs state-wide.

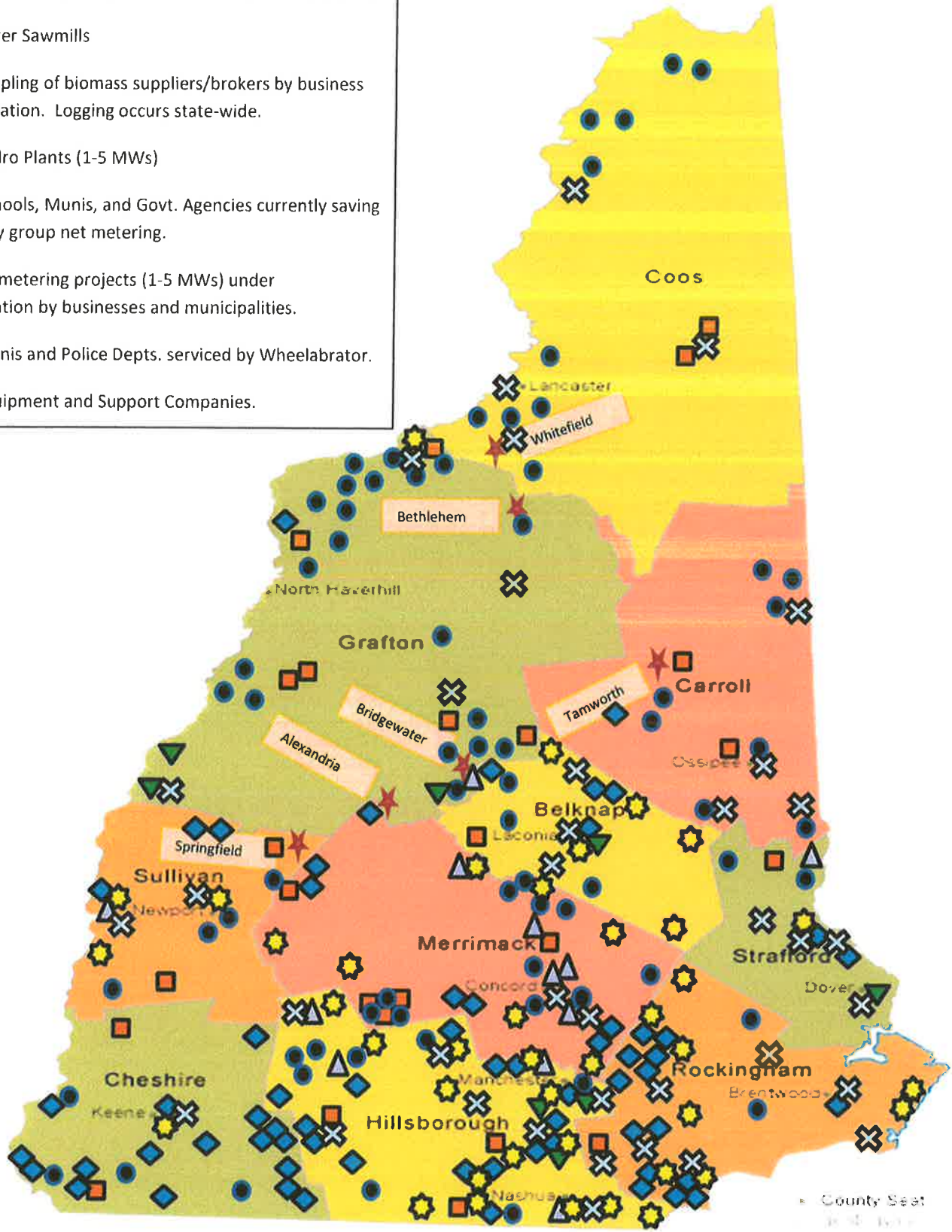
△ = Hydro Plants (1-5 MWs)

◆ = Schools, Munis, and Govt. Agencies currently saving money by group net metering.

▽ = Net metering projects (1-5 MWs) under consideration by businesses and municipalities.

☆ = Munis and Police Depts. serviced by Wheelabrator.

⊗ = Equipment and Support Companies.



Override Vetoes of SB 365 and SB 446

THE GOVERNOR MADE A MISTAKE IN VETOING SB 365

- In his veto message, the Governor said SB 365 would cost roughly \$25 million dollars annually for 3 years. By vetoing the bill, he claimed it would protect “our most vulnerable ratepayers”. He also said SB 365 would not even support continued biomass plant operations because it would only provide a “mere 3.5%” of maximum impact to the plant’s revenue stream . **Those statements are incorrect.** The veto message ignores the electric cost increases to ratepayers from the need to replace the lost biomass power. The veto message also confuses the landowner’s revenue from logging with the SB 365 revenue to the biomass power plant:
 - On the claim that the veto stopped an electric rate increase: Rejecting SB 365 means losing 100 megawatts of capacity currently provided by New Hampshire’s biomass plants. This ignores the *mandated costs* associated with replacing that capacity in the regional market. A former Northeast Utilities official testified that the loss of 100 MWs of biomass power will cause an annual \$17 million increase in N.H.’s share of regional generation capacity costs that continues into the future. For ratepayers, this veto does not produce a savings—it produces continued ratepayer costs. This is a simple case of Pay me now or Pay me later.
 - On the claim that SB 365 provided too little revenue to operate a biomass plant: The 3.5% revenue amount referenced in the veto is the revenue the landowner receives as payment. It has nothing to do with the revenue the power plant obtains by selling its electricity under SB 365. It is a significant misunderstanding of the bill.
- The Governor’s veto is creating devastating impacts to the \$1.4 billion timber industry – already leading to cancelled equipment orders, business closures, job losses, less energy generation in NH, and the collapse of a statewide forest management system which benefits all Granite Staters.
- This veto will also result in immediate and permanent losses of revenues through a variety of NH taxes and fees such as Air Emission Fees, Fuel Taxes, Timber Taxes, municipal property taxes, commercial vehicle registrations and so on...
- The Governor did not even address the potential loss of the state’s only waste-to-energy facility, located in Penacook, which serves more than two dozen communities and businesses. Also, more than 60 New Hampshire police departments and law enforcement agencies use the facility to safely dispose of unused prescription drugs. Closure of the facility would eliminate the only assured destruction facility in the state, increasing the cost of disposing of these drugs and impacting the state’s ability to combat the opioid crisis.
- NH House and Senate lawmakers can correct this mistake by simply reaffirming their overwhelming votes in the Senate (17-4) and in the House (225-108) in passing SB 365.

THE GOVERNOR ALSO MADE A MISTAKE IN VETOING SB 446

- In his veto message, the Governor incorrectly states SB 446 would cost ratepayers \$5-10 million a year. The fiscal note on SB 446 noted no such costs, and instead states *“To the extent State, county or local governmental units are able to install their own renewable generation facilities, those governmental entities may benefit from lower electricity costs and may also receive revenues in the form of net metered payments for excess power generated”*.
- SB 446 will not result in cost shifting or provide subsidies to the renewable energy industry. The PUC adopted net metering rules under which it found “little to no evidence of any significant cost shifting.” Consumers who use the new law will operate under these rules. They will be credited the default service rate (i.e., the energy component of retail electric rates) for the self-generated power they use, and will continue to pay all other electric charges related to demand, transmission, distribution, stranded costs, system benefits, and taxes
- SB 446 will save money and provide additional power. Net-metering projects, and the jobs and economic activity associated with them, are being cancelled or scaled back. Energy users are being denied the freedom to save money and be potential energy suppliers, hindering new, immediate local supplies to our statewide energy grid.
- Many towns, cities and local businesses voiced their support for the passage of SB 446.
- NH House and Senate lawmakers can correct this mistake by endorsing SB 446 which received overwhelming support in the Senate (voice vote) and in the House (voice vote).

OVERTURNING THE VETOES ON 365 AND 446 REFLECTS OUR STATE’S VALUES

- N.H.’s small hydro, biomass, solar generation facilities, and the waste-to-energy plant, annually generate over one million megawatt hours of electricity.
- SB 365 promotes and supports forest management. 2/3 of all the timber growing in New Hampshire is “low grade” (unable to produce lumber). As industry experts say, what this industry does is “weed the forest” to ensure good habitat for wildlife, sustainable growth and natural resources that draw visitors and support tourism throughout New Hampshire. This is a \$1.4 billion-dollar industry in New Hampshire that is being threatened with this veto.
- SB 446 supports fuel diversity through efficient energy generation statewide. SB 446 reduces traditional power demand and can save money and resources long-term. Individual power generators are scattered throughout the state’s landscape; communities like Franklin, Dover and Nashua were relying on SB 446 to offer opportunities to save on energy costs for their residents.
- Economic studies show these industries provide thousands of NH jobs and hundreds of millions of dollars in annual in-state economic benefits. For example, a 2016 Plymouth State University Study concluded that the six independent biomass plants support 931 jobs and \$254.5 million of annual economic activity. Millions of dollars in local property taxes are at stake.
- The vetoes harm all classes of customers who are seeking to lower their electricity costs.

OVERTURNING THE VETOES WILL SUPPORT LOCAL FORESTLAND OWNERS

- More than 40 percent of all the wood harvested in the state is in the form of woodchips destined for wood energy. Loss of 1.3 million tons of biomass (annual consumption of the six independent biomass power plants) creates a huge hole in the industry, directly and indirectly impacting all wood harvesters and wood using companies. The impact on this \$1.4 billion industry is huge – and detrimental.
- Forestland owners need markets for low-grade timber in order to manage their timberlands sustainably. More than two-thirds of the timber growing in New Hampshire can't produce lumber and is considered "low-grade." Without markets for this timber, the economics of sustainable forestry fall apart, and landowners will consider other options/uses for their land, including development and restricting recreational access (e.g. hunting and trail use) which has serious implications for NH's tourism.
- Allowing the industry to net meter, to self-sustain operations like NH's sawmills, would have helped lower electric bills.

OVERTURNING THE VETOES WILL LOWER ELECTRICITY COSTS

- ISO-NE warns of power shortages due to loss of existing power plants, lack of new power plants coming online, and the region's over-reliance on natural gas for electricity generation. If SB 365 does not pass, the region will lose 100 MW of NH's biomass power, increasing replacement costs for capacity. NH's calculated increase would be \$17 million annually after the next forward capacity auction.
- SB 446 increases local energy production by removing a regulatory barrier and allowing businesses, individuals, and municipalities to invest in cost-effective net metering projects to reduce their own electricity bills and become more self-reliant.
- Local renewable power is an important hedge against rising delivery costs. According to the SB 125 study committee held last year (which studied electricity pricing and charges), the fastest growing part of our electricity bill is transmission and distribution costs. According to the N.H. Public Utilities Commission, these costs have increased 555 percent since 2005, with another \$4 billion increase expected. By using more locally produced power, NH can better manage its share of regional transmission costs.

FAQ's

SB 365 in More Detail

SB 365 provides a three-year bridge for New Hampshire's six independent biomass power plants by requiring utilities to purchase biomass power in six-month contract intervals at a 20% discount from the default service rate. This allows the Governor's Office of Strategic Initiatives to complete its legislatively mandated biomass study (per HB 517 – passed last year).

The six biomass power plants covered by SB 365 are a critical part of New Hampshire's forest products industry. These plants;

- support 931 jobs,
- generate more than \$254.5 million annually in economic activity for the state,
- provide a market for low-grade timber, which is critical for forest management, and
- provide a market for low-grade timber, which supports N.H.'s sawmill industry.

SB 365 also supports a critical part of New Hampshire's solid waste management system, including Wheelabrator's solid waste incinerator in Penacook, which services 16 municipalities and dozens of police departments which use the Penacook plant for disposal of pharmaceutical waste.

By preserving biomass power generation in NH, we maintain the 100 MW of generation and will not be subjected to increased regional capacity costs if lost.

SB 446 in More Detail

SB 446 increases the allowable size of an electric generation project that a business, school or municipality can use to self-generate power (aka "net meter") to 5 megawatts and sets the electricity sale and purchase pricing to avoid cost-shifting.

SB 446 is solidly in-line with the self-sufficient, Live Free or Die approach of the Granite State. It removes an unnecessary regulatory barrier and allows businesses and municipalities to tackle the issue of high electric rates on their own by generating their own power and becoming more energy independent. This expands customer choice and competitive options for electricity service, as envisioned in NH's restructuring laws. Businesses and municipalities are very sophisticated consumers, and they will not sign a deal unless it guarantees them savings. By lowering their electric bills, businesses will stay more competitive and municipalities will save taxpayers money.

Under SB 446, the investment in self-generation projects, such as small hydro, solar, or biomass-cogeneration, will keep our energy dollars in-state, drive economic activity, support jobs, and increase state and local business tax and property tax revenues. It will also increase electric reliability and avoid system costs such as line losses and transmission upgrades. It does NOT result in any cost-shifting or subsidies.

You may hear....

Didn't we debate biomass plants last year in SB 129?

We did. Senate Bill 129 did not result in an increase in the cost of renewable energy certificates nor did it have any impact on the price of electricity. In fact, prices for these renewable certificates have decreased since the passage of SB 129.

How much will SB 365 cost?

Passing SB 365 costs less than not passing it. In fact, the cost proposal for the biomass plants in SB 365 is about \$18 million/ year for three years. The cost of losing the biomass plants in New Hampshire is significantly more. From an energy perspective, the loss of 100 MW of biomass generation will increase regional replacement capacity cost. The Legislature heard testimony from a former Northeast Utilities official that the loss of the 100 MWs of biomass would mean an **annual increase** in NH's cost of regional generation capacity of **\$17 million** with the next forward capacity auction (almost equal to the Eversource SB 365 costs). The bigger cost to New Hampshire is the loss of jobs and statewide economic activity from the harm to the \$1.4 billion forestry industry. That's in addition to the loss of timber tax revenue, business enterprise tax revenue, property tax revenue, fuel tax revenue, and potential increases to the cost of NH's unemployment trust fund, all due to the impact of the veto.

How do you reconcile the SB 365 veto with the Governor's recent signing of the Berlin biomass plant bill, SB 577 (the Burgess BioPower bill)?

You can't. Both bills provide legislative support to keep biomass power plants operating to reduce reliance on imported natural gas, and avoid the negative impacts to NH jobs, families, and the state as a whole. Unfortunately, the SB 365 veto now impacts NH jobs and the livelihoods of NH families. Three of the affected biomass plants have already ceased purchasing biomass, so the harm to families is immediate. A positive vote to override the veto will stop this harm and uphold the bipartisan legislative votes that overwhelmingly passed SB 365 and SB 446.

Does net metering under SB 446 result in cost shifting or subsidies?

No, SB 446 will not result in cost shifting or provide subsidies to the renewable energy industry. Consistent with NH's rules to avoid such impacts, consumers who use the new law will be credited the default service rate (i.e., the energy component of retail electric rates) for the self-generated power they use. They will continue to pay all other electric charges related to demand, transmission, distribution, stranded costs, system benefits, and taxes. These are the rules that the PUC adopted after it recently investigated cost shifting and heard extensive expert testimony on the subsidy question. Under these rules, it found "little to no evidence of any significant cost shifting."

Why should businesses and municipalities be credited the default service rate and not the wholesale rate for power?

A credit equal to the default service rate (i.e., the energy component of retail electric rates) provides a fair and equitable credit for self-generated power used under net metering. A credit set at the wholesale rate would be unjust. Why? Because net metered power put onto the distribution lines will simply displace electricity that the local utility would otherwise need to purchase from their default service provider at default service rates. With a credit equal to the default service rate, ratepayers are held harmless – they will not pay any more for a kilowatt-hour coming from a net metered project than they will pay if it comes from the default service

provider. The wholesale power rate is NOT what utilities pay to provide default service, and it is NOT the cost that's avoided when generation is produced and used at the retail level under net metering. NH utilities are no longer in the wholesale power business; they are simply poles and wires companies now.

Do all ratepayers benefit even when they don't generate their own power under net metering?

Yes, local net metered projects benefit ALL ratepayers by increasing and diversifying local electricity supplies, reducing over-reliance on regional natural gas generation (which is subject to extreme price volatility), and increasing system reliability. Net metering saves ALL ratepayers money by avoiding the costs of delivery line losses on imported power (losses average around 6%), expensive transmission projects, and high peak demands.

Highlights - What You Need to Know About SB 446

THE GOVERNOR MADE A MISTAKE IN VETOING SB 446

- In his veto message, the Governor incorrectly states SB 446 would cost ratepayers \$5-10 million a year. The fiscal note on SB 446 noted no such costs, and instead states “*To the extent State, county or local governmental units are able to install their own renewable generation facilities, those governmental entities may benefit from lower electricity costs and may also receive revenues in the form of net metered payments for excess power generated*”.
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- NH House and Senate lawmakers can correct this mistake by endorsing SB 446 which received overwhelming support in the Senate (voice vote) and in the House (voice vote).

OVERTURNING THE VETOES WILL LOWER ELECTRICITY COSTS

- ISO-NE warns of power shortages due to loss of existing power plants, lack of new power plants coming online, and the region’s over-reliance on natural gas for electricity generation.
- SB 446 increases local energy production by removing a regulatory barrier and allowing businesses, individuals, and municipalities to invest in cost-effective net metering projects to reduce their own electricity bills and become more self-reliant.
- Local renewable power is an important hedge against rising delivery costs. According to the SB 125 study committee held last year (which studied electricity pricing and charges), the fastest growing part of our electricity bill is transmission and distribution costs. According to the N.H. Public Utilities Commission, these costs have increased 555 percent since 2005, with another \$4 billion increase expected. By using more locally produced power, NH can better manage its share of regional transmission costs.

SB 446 in More Detail

SB 446 increases the allowable size of an electric generation project that a business, school or municipality can use to self-generate power (aka “net meter”) to 5 megawatts and sets the electricity sale and purchase pricing to avoid cost-shifting.

SB 446 is solidly in-line with the self-sufficient, Live Free or Die approach of the Granite State. It removes an unnecessary regulatory barrier and allows businesses and municipalities to tackle the issue of high electric rates on their own by generating their own power and becoming more energy independent. This expands customer choice and competitive options for electricity service, as envisioned in NH’s restructuring laws. Businesses and municipalities are very sophisticated consumers, and they will not sign a deal unless it guarantees them savings. By lowering their electric bills, businesses will stay more competitive and municipalities will save taxpayers money.

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A credit equal to the default service rate (i.e., the energy component of retail electric rates) provides a fair and equitable credit for self-generated power used under net metering. A credit set at the wholesale rate would be unjust. Why? Because net metered power put onto the distribution lines will simply displace electricity that the local utility would otherwise need to purchase from their default service provider at default service rates. With a credit equal to the default service rate, ratepayers are held harmless – they will not pay any more for a kilowatt-hour coming from a net metered project than they will pay if it comes from the default service provider. The wholesale power rate is NOT what utilities pay to provide default service, and it is NOT the cost that’s avoided when generation is produced and used at the retail level under net metering. NH utilities are no longer in the wholesale power business; they are simply poles and wires companies now.

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Yes, local net metered projects benefit ALL ratepayers by increasing and diversifying local electricity supplies, reducing over-reliance on regional natural gas generation (which is subject to extreme price volatility), and increasing system reliability. Net metering saves ALL ratepayers money by avoiding the costs of delivery line losses on imported power (losses average around 6%), expensive transmission projects, and high peak demands.

New Hampshire Business Review

<https://www.nhbr.com/July-20-2018/Lets-be-real-about-subsidies/>

Let's be real about subsidies

On behalf of their customers, solar developers request fair compensation for energy produced locally that supports NH's economy

BY TED VANSANT

Published: July 3, 2018

In response to the June 18 opinion piece "[Hey solar industry, why the subsidy?](#)" and applauding the June 26 piece, "[Hey fossil-fuel industry, where's your proof?](#)" let's be real about subsidies. All forms of energy used in the U.S. are subsidized in one form or another, from direct funding for research and development to tax breaks.

Oil, coal, nuclear, solar, wind, hydro, and others all receive subsidies, totaling in the billions of dollars annually. This data is accessible, incontrovertible and contributes to the heavily regulated price we all pay for energy. The June 26 piece accurately corrects the previous assertion that solar depends on subsidies.

Shifting focus to New Hampshire, the June 18 piece describes net metering as "a subsidy ... forcing higher, above-market rates on New Hampshire ratepayers." By no factual definition can net metering be claimed as a subsidy, as this article would have you believe.

In the simplest terms, net metering provides fair and equitable compensation for energy produced by a clean energy system, such as solar and small hydro, and exported onto the electric grid. In fact, by many studies and reports across the country and the world, net metering underpays renewable energy projects.

Yet net metering is blamed for the mythical "cost-shifting" to other ratepayers. Let's be real: The NH Public Utilities Commission, experts in New Hampshire-specific energy issues, investigated cost-shifting under the recent eight-month-long net metering docket, and after hearing extensive expert testimony on the subsidy question from all sides, found "little to no evidence of any significant cost-shifting" and adopted tariffs to preserve that finding.

Projects under the recently vetoed Senate Bill 446 required the use of those tariffs, thus ensuring no cost-shifting.

Projects under SB 446 have the potential to save businesses and municipalities, and ultimately taxpayers and ratepayers, millions of dollars.

Let's be real: New Hampshire renewable energy developers do not claim they need "assistance" with their projects, as the term "subsidy" would have you believe. The professionals employed in the renewable energy industry are expert engineers, consultants, electricians and construction professionals, financiers and planners. They know their industry inside and out, and they know how

to build projects that save everyone money on their electric rates due to the significant value clean energy provides to the electric grid.

Solar developers do not demand subsidies; on behalf of their customers, they request fair compensation for energy produced locally that supports New Hampshire's economy. Considering the recently approved 19 percent rate hike for Eversource customers for energy supply, producing more of our energy in-state is a wise move for all ratepayers.

Let's be real: New Hampshire's electric rates are high compared to states across the country that utilize ample in-state resources, but they are in line with the rest of the New England region. The June 18 piece fails to disclose that a major reason our rates are high are skyrocketing transmission costs. These are regional costs that are outside of New Hampshire's control unless we use less energy from the regional grid. We can accomplish this through the generation of our own energy and through greater efficiency in how we use energy, and SB 446 is our best chance at making it a reality.

Ted Vansant is chair of the NH Sustainable Energy Association.

New Hampshire Business Review

<http://www.nhbr.com/June-22-2018/New-Hampshire-needs-net-metering-expansion/>

New Hampshire needs net metering expansion

Why Governor Sununu should sign Senate Bill 446

BY TONY GIUNTA, DAVID WORTHEN AND CORDELL JOHNSTON

Published: June 6, 2018

New Hampshire's businesses and municipalities are continually searching for opportunities that can help them reduce their electricity costs, enhance revenues and become more energy independent. Net metering under Senate Bill 446 will provide just such opportunities, along with numerous other benefits, which is why we are strongly urging Governor Sununu to sign this bill into law.

Did you know that there are already more than 100 New Hampshire businesses, municipalities and school districts that are net metering under current law and seeing real savings off their electricity bills? This translates into savings for taxpayers and keeps our energy dollars in-state.

However, there is a problem. The current net metering law caps project eligibility at 1 megawatt, thus interfering with market-driven supply to meet the growing demand. Larger electricity users that want to net meter can't, and those that want to participate in group net metering are faced with the reality that virtually all electricity produced by eligible projects below 1 MW is already spoken for.

SB 446 will increase New Hampshire's current 1 MW cap to 5 MWs. This will expand the amount of locally produced renewable electricity available through net metering to more businesses, municipalities and schools, thereby lowering their cost of electricity. Moreover, an increase to a 5 MW cap will permit businesses and municipalities to undertake development of new right-sized renewable projects.

With the 5 MW limit under SB 446, only small projects like small hydro, combined heat and power, small solar, and small wind will qualify for net metering.

At a time when the state's options to mitigate electric cost increases are limited, this legislation is a concrete way to help larger electricity users reduce their energy costs, become more energy independent, and insulate themselves from electric price volatility and higher regional transmission costs.

Furthermore, under SB 446, when businesses and municipalities invest their own capital in local small-scale renewable energy projects, it will drive economic activity and support jobs, which in turn will increase state and local business tax and property tax revenues.

SB 446 will not be a subsidy to the renewable energy industry or create cost-shifting.

Consistent with the state regulator's rules to avoid such impacts, consumers that use this new law will continue to pay all electric charges related to demand, transmission, distribution, stranded costs, system benefits and taxes; they will only be credited the default service rate for the self-generated power they use. Furthermore, consumers seeking to participate in group net metering will have a greater choice of competitive options that guarantee savings by enabling them to purchase electricity from a local New Hampshire energy producer for less than their utility's default price and less than competitive suppliers' prices.

Given SB 446's long list of benefits, it's clear why larger energy users like Dartmouth Hitchcock, Foodstate, Monadnock Paper Mills, Timberland, Wire Belt Company of America, Worthen Industries, the University of New Hampshire, the NH Municipal Association and many cities, towns and schools all testified in support of the bill. It's also clear why it passed the Senate and the House in a strong bipartisan fashion.

SB 446 will expand customer choice and competitive options for retail electricity service by removing an unnecessary regulatory barrier. It will give New Hampshire's medium and larger electricity users the same freedom to self-generate that is currently enjoyed by the state's residential and other smaller consumers. And it will preserve and promote economic activity, local jobs, in-state generation, and electric system reliability.

This is exactly the type of approach advocated by Governor Sununu to find ways to immediately lower the price of electricity in New Hampshire.

Please join us in urging Governor Sununu to sign SB 446 into law. It's a win-win opportunity the Granite State can't afford to pass up.

Tony Giunta is mayor of Franklin, David Worthen is president of Worthen Industries Inc. in Nashua, and Cordell Johnston is government affairs counsel at the NH Municipal Association.

Town of xx
Address Line 1
City/Town, NH, Zip

August 8, 2018

The Honorable Chuck Morse
President of the Senate
State House
Concord, NH 03301

The Honorable Gene Chandler
Speaker of the House
State House
Concord, NH 03301

The Honorable Donna Soucy
State Democratic Leader
State House
Concord, NH 03301

The Honorable Steve Shurtleff
House Democratic Leader
State House
Concord, NH 03301

Dear Elected Officials,

On behalf of the town of xx, **we respectfully urge you to vote to override the Governor's veto of SB446 and SB365.**

The town of xx supports these bills due to the vast economic benefits and opportunities they provide. SB446 enables towns like ours to invest in renewable electric generation projects that adequately cover our electricity use, all while avoiding any cost-shifting due to the set sale and purchase pricing mechanisms. The veto harms our ability to invest in infrastructure that self-generates our own power, hindering our ability to control electric costs and pass the savings on to taxpayers.

SB365 is another important bill to control high energy costs. The veto of this bill and subsequent loss of 100MW of clean, NH generated power will cause an estimated \$17 million annual increase in NH's share of regional generation capacity costs. In addition, the veto puts the livelihoods of over 900 jobs at risk and ignores over \$250 million of economic benefits across NH that the biomass industry provides.

Both bills are important for NH's energy diversity and security, now and for the future. We ask you to continue the broad, bipartisan support for both bills by overriding the Governor's veto on September 13th.

Sincerely,

[Signature]
[Name]

LEGISLATIVE BULLETIN

VETO DAY IS SEPTEMBER 13th

Special Edition — 2018 Session
August 21, 2018

Urge Your Legislators to Override the Vetoes of SB 446 and SB 365

Welcome to a rare August edition of the *Legislative Bulletin*! We don't expect to make a habit of this, but there are two important votes coming up in the legislature in about three weeks. We apologize for the length—this is complicated stuff.

On **September 13**, the legislature will convene to consider overriding the governor's vetoes on several bills. Two of those bills are **SB 446** and **SB 365**. *NHMA supports both bills and urges legislators to override the governor's vetoes on both.*

- **SB 446** is an NHMA policy bill that would increase the maximum allowable capacity for net-metered renewable energy projects to five megawatts (from one megawatt).
- **SB 365** would require electric distribution companies (Eversource, Unitil) to buy energy from six eligible biomass facilities and one waste-to-energy facilities, all located in New Hampshire.

Both bills were approved overwhelmingly by both the House and the Senate, and both are important for municipalities and their taxpayers.

It is critical that the governor's vetoes be overridden so that these laws can take effect. An override requires a two-thirds vote in each chamber. Based on the original vote tallies, we have a very good chance of overriding both vetoes, but every vote will count.

Please contact your senators and (especially) your representatives and urge them to vote "YES" to override both vetoes. (The question put to each chamber will be, "Notwithstanding the governor's veto, shall SB ____ become law?" so the correct vote is "YES.") *Turnout will be very important, so make sure not only that your legislators are on the right side, but that they plan to show up on September 13!*

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Here is some more information about both bills.

SB 446—Net Metering Cap

With the increased cap under **SB 446**, larger renewable energy projects that many municipalities are pursuing would be compensated fairly and thus would be economically viable, leading to reduced energy costs, reduced taxpayer costs, and reduced consumption of out-of-state fuels. Several municipalities already operate their own net-metered facilities (of one megawatt or less) or have contracted with companies to place net metered facilities on municipal property. Many others have reduced their electricity costs by participating in group net metering, in which a group of customers share in the savings that result from buying excess generation created by a renewable energy facility (again, of one megawatt or less) at discounted rates.

Expanding net metering would enable many more municipalities (and businesses) to reduce their energy costs, but the existing one-megawatt cap severely limits the prospects for expansion. That is why the bill passed the Senate unanimously and passed the House overwhelmingly. [In a recent column](#) (go to nhbr.com, click on “Opinion” tab), the mayor of Franklin explained what **SB 446** means to his city.

As another example, Laconia is considering a deal to allow a 4.4 megawatt solar array on its capped landfill. The city would receive almost \$50,000 annually in lease payments and property taxes and about \$60,000 in annual energy savings—a total benefit of \$110,000 annually. But if the veto stands, the project would be scaled back to one megawatt, reducing the benefit to the city by 80 percent.

A third example is Nashua, where **SB 446** would enable the city to use one of its existing small hydro plants to supply half of the electricity used by the city’s municipal and school properties, saving taxpayers roughly \$350,000 per year.

Other benefits

Net metering allows municipalities and businesses to lower their electric rates immediately, at no cost to other ratepayers, but there are also long-term benefits for all ratepayers.

Reduced transmission costs. Net metered energy is not fed into the regional transmission system and therefore places no burden on that system. This helps to reduce the need for expensive transmission upgrades. Transmission costs have increased **555 percent** (that is not a typo) over the last 12 years, and these increases are a driving factor in the state’s high electric rates.

Savings for all ratepayers. Because net metered energy is produced and used locally, it can help reduce the amount of energy demanded from the regional grid and thus help lower wholesale electricity prices. These wholesale prices are at their highest during periods of peak demand. Net metering reduces the utility’s need to buy energy from non-renewable source power plants at peak prices. Further, ISO New England, which operates New England’s power grid and oversees the

wholesale electricity markets, allocates the costs for operating the regional transmission system among states based on the amount of power they are drawing from the system during peak demand. As New Hampshire's use of net metered renewable energy increases, helping to reduce its share of peak demand, its share of transmission costs in relation to other states can be reduced.

Reduced line loss. A certain amount of energy—around 6 percent—is lost as electricity travels along the transmission and distribution lines. Thus, consumers are paying for electricity that never gets delivered. By reducing the need for imported power, net metering helps to reduce line loss costs.

Economic development. Expanding opportunities for net metering will spur investment in self-generation projects such as small hydro, solar, and biomass-cogeneration. This will keep our energy dollars in-state, support jobs, and increase state and local business tax and property tax revenues. It is estimated that **SB 446** could support \$125 million in investment annually in New Hampshire.

The governor's veto

Why, then, did the governor veto **SB 446**?

In his veto message, the governor stated, “While I agree that expanding net metering could be a benefit to our state, Senate Bill 446 would cost ratepayers at least \$5 million to \$10 million annually and is a handout to large scale energy developers.”

The error

That is simply not correct. **SB 446** is not a handout, and it would not cost ratepayers anything. The bill's fiscal note (based on input from the Public Utilities Commission) states, “To the extent State, county or local governmental units are able to install their own renewable generation facilities, those governmental entities may benefit from lower electricity costs and may also receive revenues in the form of net metered payments for excess power generated.”

The governor's statement appears to be based on an argument made by the bill's opponents that electric distribution companies should only be required to pay the wholesale rate for energy they buy from net metered renewable energy generators, rather than the default service rate that the bill requires. But that relies on the incorrect assumption that utility companies pay a wholesale rate for the energy they buy from other generators to serve their default service customers. They do not.

To simplify greatly, the wholesale rate is what a third-party supplier (not the utility) pays when it buys energy from the generator (*e.g.*, from a nuclear, gas, or coal-fired power plant); the supplier in turn sells it to the local distribution utility (*e.g.*, Eversource, Unitil) at the default service rate, which naturally is higher than the wholesale rate. Distribution utilities do not pay the wholesale rate—they pay the default service rate. **SB 446** merely requires them to pay the same rate for net metered energy put into the distribution grid that they would pay for energy purchased from their supplier. Instead of buying a kilowatt hour of electricity generated by coal, gas, or nuclear power for default service, they buy a kilowatt hour generated by local small-scale hydro or solar power at the same price. The Public Utilities Commission recently found “there is little to no evidence of any significant cost-shifting” from net metering when the credit is set at the default service rate.

SB 365—Purchase of Biomass Energy

By now, most people are aware that without **SB 365**, New Hampshire's six independent biomass power plants will be forced to close, resulting in the loss of hundreds of jobs and hundreds of millions of dollars in economic activity. The losses will be not only at the biomass plants themselves, but throughout the \$1.4 billion forestry industry—affecting loggers, truckers, heavy equipment companies, truck dealers, insurance companies, and many others. Two of the plants have already suspended operations because of the veto, and millions of dollars in equipment purchases have been cancelled or put on hold.

More than 40 percent of all the wood harvested in the state is in the form of wood chips destined for wood energy. The six biomass plants consume 1.3 million tons of biomass annually. Without markets for this timber, the economics of sustainable forestry fall apart, and landowners will consider other options for their land, including development.

Direct effects on municipalities

Apart from the ripple effects of industry losses—unemployment, losses to local businesses, impacts on local welfare budgets—there will be direct impacts to municipalities if **SB 365** fails.

Reduced property valuation. The closure of the biomass plants will significantly reduce property valuation in the six host towns—Alexandria, Bethlehem, Bridgewater, Springfield, Tamworth, and Whitefield—resulting in higher property taxes for all other taxpayers in those towns.

Possible closure of major solid waste facility. Largely overlooked in the discussion about the biomass plants is the veto's impact on Wheelabrator's waste-to-energy facility in Concord. That facility serves about two dozen municipalities and processes 22 percent of the municipal solid waste in the state. If the facility closes, those municipalities would need to scramble to find a new destination for their solid waste, most likely farther away and at greater expense.

In addition, more than 60 New Hampshire police departments and law enforcement agencies use the Wheelabrator facility to dispose of unused prescription drugs. Closure of the facility would eliminate the only assured destruction facility in the state.

Loss of timber tax revenue. More broadly, the significant decline in the timber market would inevitably lead to a loss of timber tax revenue for almost all municipalities in the state. The timber industry is not confined to the North Country—timber is harvested in every region of the state.

The governor's veto

The governor vetoed **SB 365** because he said it would create an “immense subsidy” that would “cost New Hampshire ratepayers approximately \$25 million a year over the next three years.”

Not the whole story

The Public Utilities Commission, in a fiscal note on **SB 365**, estimated the bill's cost at \$18.7 million to Eversource customers and \$2.7 million to Unitil customers, for a total of \$21.4 million (not \$25 million). For a typical Eversource residential customer using 625 kilowatt hours per month,

that increase would amount to about \$1.78 per month—the cost of one cup of coffee per month. That is a small amount to pay to protect over 900 jobs and \$254 million in annual economic activity (based on a Plymouth State University study), and the other consequences described above.

However, it is also only part of the story. Read on.

Avoidance of capacity cost increase. A former Northeast Utilities executive testified to the legislature that the loss of 100 megawatts of biomass energy that will result if **SB 365** fails would “increase the capacity costs in New Hampshire by approximately \$17 million per year.” (Capacity cost is the price paid to power generators for a guarantee that they will supply enough energy to meet peak energy demand into the future. It is one of the many costs included in electric bills. If there are fewer power generators, the remaining ones will naturally command a higher price for their supply guarantee.) No one has disputed that testimony.

The bill’s cost of \$21.4 million per year must be offset against the \$17 million-per-year increase that it will *avoid* by preventing closure of the biomass plants—leaving the bill’s *net* cost at about one-fifth of a cup of coffee, if you’re keeping track. And the bill’s increased costs are only for a three-year period, while the increased capacity costs would continue indefinitely if the bill does not pass.

Summary

- Municipalities are already saving tens or hundreds of thousands of dollars through net metering, and **SB 446** would enable them to save even more, at no cost to other ratepayers.
- The biomass plants, the waste-to-energy plant, and the forestry industry that **SB 365** would support are vitally important to municipalities around the state, and the net cost to ratepayers is negligible.
- Both bills serve the long-term interests of municipalities, businesses, and residents by diversifying New Hampshire’s energy supply, reducing transmission costs, reducing reliance on out-of-state sources, facilitating development of local businesses, and providing environmental benefits.

Please urge your legislators to vote YES to override the vetoes on SB 446 and SB 365 on September 13. And please contact NHMA’s Government Affairs staff if you have any questions.

General Administration and Governance

Action Policy Recommendations

1. Funding for the Police Standards and Training Council – YES or NO

To see if NHMA will SUPPORT the continued operation of the New Hampshire Police Academy and the high-quality uniform training it provides for all law enforcement officers in the state, including municipal police officers, which aids in the delivery of quality policing services and interagency cooperation to the benefit of all citizens. As part of this, to see if NHMA will SUPPORT continued funding at the state level for the Police Academy and the Police Standards and Training Council. Local law enforcement agencies produce considerable funds through fines and penalty assessment monies which accrue to the State and are used for State purposes. Further, to see if NHMA will OPPOSE any increase in municipal costs for police officers to participate in the training, recognizing that municipalities now pay salary, benefits, and all employment-related costs for trainees while at the Academy, as well as providing staff and instructors at no cost to the Academy. Existing policy revised by the committee.

2. Absentee Voting Expansion – YES or NO

To see if NHMA will SUPPORT allowing absentee voting without requiring a reason.

Explanation: At present, 27 states plus the District of Columbia permit absentee voting without requiring an excuse. Maine and Vermont are among the 27. Why not New Hampshire? People are kept from the polls because they are reluctant to say they are “disabled” (especially when they are just elderly) or otherwise find it difficult to vote in person. Voting should not require having to struggle with one’s conscience over whether they fit into one of the state-approved “legitimate” reasons for an absentee ballot. Submitted by Gail Cromwell, Co-chair, Temple Select Board.

3. Electronic Poll Books – YES or NO

To see if NHMA will SUPPORT legislation that would enable the use of electronic poll-books for municipalities, with funding coming from the HAVA funds made available to the New Hampshire Secretary of State by the United States Election Assistance Commission specifically for the purpose of improvement to the administration of federal elections in the state, as well as supporting legislative changes to statutes to make the use permissible under state laws. Existing policy. Priority Policy Recommendations

4. Building Plans Under RSA Chapter 91-A – YES or NO

To see if NHMA will SUPPORT an amendment to RSA 91-A:5, IV to specifically add building plans/construction drawings contained within a building permit file and/or building plans/construction drawings submitted as part of a building permit application as an exempt record under the statute. Existing policy.

5. Municipal Regulation of Firearms - YES or NO

To see if NHMA will SUPPORT legislation that would allow for limited local authority regarding possession and use of firearms on municipal property.

- Legislation that would allow municipalities to regulate or limit the use of firearms on municipal property.
- Legislation that would allow municipalities to regulate the carrying of firearms by employees while they are performing the functions of their office or employment.

Explanation: Local governing bodies are best positioned to determine the most appropriate use of municipal land and the actions of their employees. Submitted by Joan Dargie, Town Clerk, Milford, and revised by the committee.

6. Welfare Lien Priority – YES or NO

To see if NHMA will SUPPORT legislation to give liens for local welfare payments arising under RSA 165:28 a higher priority position, so that those liens fall immediately after the lien for the first mortgage. Existing policy.

7. Municipal Departments and MV Information – YES or NO

To see if NHMA will SUPPORT legislation to make it clear that municipalities may obtain information about motor vehicles registered to an individual for all governmental purposes such as verifying asset levels when the individual is applying for general assistance or asset-based tax relief and in order to determine the ownership of vehicles for official purposes. Existing policy. Standing Policy Recommendations

8. SB 2 Adoption Process – YES or NO

To see if NHMA will SUPPORT amending RSA 40:14, III, regarding adoption of the official ballot referendum (SB 2) form of town meeting, to provide that the question shall be voted on by ballot at the annual meeting but shall not be placed on the official ballot.

Explanation: Adoption of the official ballot referendum form of town meeting is a fundamental change in a town's governance. It is an action that should be undertaken only after thorough discussion and debate, with an opportunity for the legislative body to be fully informed. Current law requires that the question be placed on the official ballot, so that it is voted on in the voting booth on election day, with no opportunity for discussion or debate. The statement of the question is simply, "Shall we adopt the provisions of RSA 40:13 (known as SB 2) to allow official ballot voting on all issues before the town on the second Tuesday of March?" This provides almost no information about how the SB 2 form of meeting works. Although the current law does require a public hearing on the question between 15 and 30 days before town meeting, those hearings are poorly attended, so the overwhelming majority of those voting on the question will have heard little or no discussion, and many of them will have a very poor understanding of the issue. Other matters of profound importance to town governance—such as establishing a budget committee and adoption of a tax cap—are voted on at the business session, rather than by official ballot. Adoption of SB 2 is an even more serious step and should be subject to at least a similar level of consideration. Discussion and debate at the business session will help to ensure that voters understand the issues better before voting on the question. Submitted by Jim Belanger, Moderator, Hollis, and Frank Sterling, Selectman, Jaffrey.

9. Allowing Towns to Adopt Ordinances Under City Statutes – YES or NO

To see if NHMA will SUPPORT legislation giving towns the same authority to adopt ordinances that cities have under RSA 47:17.

Explanation: State law (RSA 44:2, 47:1) gives cities all of the authority that towns have, but there is no reciprocal statute giving towns the authority that cities have. City councils have broad authority to adopt ordinances under RSA 47:17. Town ordinance authority is governed primarily by RSA 31:39, which grants more limited authority. There seems to be no logical reason for cities to have broader ordinance authority than towns. When towns want to exercise authority that cities already have, it is necessary to amend RSA 31:39 or add a new section in RSA 39. This policy would avoid that necessity and eliminate illogical distinctions between municipal ordinances, which are especially troublesome when a town is unable to adopt the same ordinance that the city next door has adopted. This would not eliminate all distinctions between cities and towns—just the difference between their respective ordinance powers. Submitted by Tom Irving, Planning Director, Conway.

10. Public Area “No Smoking” Local Option – YES or NO

To see if NHMA will SUPPORT legislation to authorize the designation of “No Smoking” zones in public areas by local option.

Explanation: Municipalities are charged with the responsibility for provision of the services and to ensure safe secure access to those services. Currently, some services may not be as accessible as they should due to the presence of smoke. There are also the associated costs in keeping areas litter free. The legislation would allow municipalities to define No Smoking zones in a way that meets the community’s needs and would include the ability to implement them for health purposes. Currently New Hampshire permits municipalities to enact ordinances for fire safety and sanitation purposes, but not health purposes, and New Hampshire’s state smoking law preempts local governments from doing so. Access to services is obstructed by the presence of smokers and their associated litter, and that litter might constitute a sanitation issue. The presence of smoke where nonsmokers need to pass is objectionable and not supportive of a community’s healthy community goal. Each community would have the opportunity for itself to enact local legislation on this issue. Submitted by Andrew Bohanan, Parks, Recreation, and Facilities Director, and Nancy Vincent, Library Director, Keene.

11. Public Notice Requirements - YES or NO

To see if NHMA will SUPPORT legislation to amend all public notice requirements to allow the choice of electronic notification and/or newspaper print, as well as posting in public places, for official public legal notification. Existing policy.

12. Appointment of Town Clerks or Town Clerk/Tax Collectors – YES or NO

Legislative Body: To see if NHMA will SUPPORT legislation to allow the legislative body to authorize the governing body to appoint town clerks and town clerk/tax collectors. Charter Towns: To see if NHMA will SUPPORT legislation allowing towns that have adopted a charter under RSA chapter 49-D to determine how the town will choose its town clerk. Existing policy revised by the committee.

13. Consolidated Policy on Collective Bargaining Items – YES or NO

Evergreen Clause: To see if NHMA will OPPOSE legislation to enact a mandatory so-called “evergreen clause” for public employee collective bargaining agreements.

Binding Arbitration: To see if NHMA will OPPOSE mandatory binding arbitration as a mechanism to resolve impasses in municipal employee collective bargaining. **Right to Strike:** To see if NHMA will OPPOSE a right to strike for public employees. **Mandated Employee Benefits:** To see if NHMA will OPPOSE any proposals to mandate employee benefits, including any proposal to enhance retirement system benefits that may increase employer costs in future years, for current or future employees.

Contracted Services: To see if NHMA will SUPPORT legislation to give public employers greater flexibility to privatize or use contracted services. Existing policy revised by the committee.

14. Maintenance and Policing of State-Owned Property - YES or NO

To see if NHMA will SUPPORT legislation requiring the State to maintain and adequately support operations on state properties so those properties do not place undue burdens on the host municipalities. This would include legislation

- to enable municipalities to recover expenses of providing municipal services on state-owned property, such as policing relative to illegal activities and allowing municipalities to receive reimbursement/compensation from individuals engaged in the illegal activity; and
- to require the state to adequately maintain its property, including the removal/remediation of abandoned, deficient, hazardous, or blighted structures/facilities. Existing policy revised by the committee.

15. Independent Redistricting Commission - YES or NO

To see if NHMA will SUPPORT the establishment of an independent redistricting commission for the appointment of representative, senatorial, executive council, and congressional districts. Existing policy.

Finance and Revenue

Action Policy Recommendations

1. Use of RSA 83-F Utility Values – YES or NO

To see if NHMA will:

- a) SUPPORT legislation that clarifies, under RSA 83-F, that no determination of utility value by the Department of Revenue Administration can be used in any way by the utility taxpayer in any application for abatement of tax under RSA 76:16 or any appeal thereof under RSA 76:16-a or RSA 76:17;
- b) OPPOSE any mandate that calls for the exclusive use of the unit method of valuation in the appraisal of utility property, by either administrative or legislative action; and
- c) SUPPORT the continuing right of municipalities to use any method of appraisal upheld by the courts.

Revised by the committee to combine two existing policies.

2. New Hampshire Retirement System (NHRS) – YES or NO

To see if NHMA will SUPPORT the continuing existence of a retirement system for state and local government employees that is strong, secure, solvent, fiscally healthy, and sustainable, that both employees and employers can rely on to provide retirement benefits for the foreseeable future.

Further, to see if NHMA will SUPPORT continuing to work with legislators, employees, and the NHRS to accomplish these goals.

To that end, to see if NHMA will:

- a) SUPPORT legislation that will strengthen the health and solvency of the NHRS, ensure the long-term financial sustainability of the retirement system for public employers, and consider options and alternatives that provide reasonable changes in contribution rates;
- b) OPPOSE any legislation that: 1) expands benefits and would result in increases to municipal employer costs; 2) assesses additional charges beyond NHRS board-approved rate changes on employers; or 3) expands the eligibility of NHRS membership to positions not currently covered;
- c) SUPPORT the restoration of the state's 35% share of employer costs for police, teachers, and firefighters in the current defined benefit plan and any successor plan;
- d) SUPPORT the inclusion of municipal participation on any legislative study committee or commission formed to research alternative retirement system designs and the performance of a complete financial analysis of any alternative plan proposal in order to determine the full impact on employers and employees; and
- e) OPPOSE any action to further restrict municipalities' ability to employ NHRS retirees in part-time positions, either through hours restrictions or through imposition of new fees/costs. Existing policy revised by the committee.

3. Expansion of Local Authority to Institute Fees – YES or NO

To see if NHMA will SUPPORT legislation that allows a municipality to exercise local control of non-property tax revenue streams with local legislative body approval to meet demands for services and/or infrastructure. Examples of such legislation may include such actions as: (a) allowing a municipal to adopt an additional surcharge under the meals and rooms tax on hotel occupancy within the municipality; and (b) allowing a municipality to increase the maximum optional fee for transportation improvements when collecting motor vehicle registration fees. Existing policy revised by the committee (existing policy supports a local option meals and rooms tax surcharge). Priority Policy Recommendations

4. Enforcement of Motor Vehicle Registration Laws - YES or NO

To see if NHMA will SUPPORT amending motor vehicle registration laws to strengthen the enforcement of those laws (through stepping up law enforcement and increasing penalties, including fines) to ensure collection of all state and local registration fees owed by New Hampshire residents.

Explanation: Municipalities are realizing a significant and growing annual revenue loss of motor vehicle permit fees and other fees, due to NH residents registering their automobiles, trucks and all other types of trailers through non-government agents in the State of Maine. Currently, RSA 261:140 only requires a \$100 fine for these violations, an insignificant amount when compared to the much greater savings a resident realizes when obtaining low-cost "multi-year" registrations (up to a 12-year period) through the State of Maine. Municipalities all over the state are vulnerable to online registrations. Businesses with fleets are specifically targeted. Submitted by Portsmouth City Council.

5. Lien for Uncollected Ambulance/EMS Billings – YES or NO

To see if NHMA will SUPPORT legislation to ensure the collection of unpaid bills for ambulance and other emergency services.

Explanation: Municipal EMS, unlike hospitals and home health care providers, have no remedy available for the collection of unpaid billing for ambulance service except through a collection agency (@33% fee) or small claims court. These mechanisms do not guarantee the municipality will be made whole and can be punitive to the responsible party when they can least tolerate it. Ambulance service has evolved dramatically from simply transporting individuals to the hospital. Today, early medical intervention significantly increases a patient's survival probability; therefore, municipal EMS is expected to provide costly basic and advanced life support before and during transport. Currently when faced with an unpaid ambulance billing, municipalities have to choose between sending the bill to collections, small claims court, or writing off the bill. Collections or small claims potentially exposes the responsible party to a burden at an inopportune time. To write off the debt unfairly places the financial burden on the taxpayers of the responding municipality. Submitted by: Barbara Lucas, Town Administrator, and Neil Irvine, Selectman, Town of New Hampton.

6. Ownership Name Changes – YES or NO

To see if NHMA will SUPPORT legislation requiring entities to file name changes and ownership changes at the registry of deeds to ensure that property taxes are assessed to the proper owner.

Explanation: Presently, name changes and property acquisitions by stockholders are not filed at the registry of deeds. Municipalities don't know if ownership has changed, resulting in bills and other notices going to improper property owners. Submitted by: Kathryn Temchack, Director of Real Estate Assessments, City of Concord

7. Collection of Delinquent Taxes on Manufactured Housing – YES or NO

To see if NHMA will SUPPORT legislation to create a study commission to address municipal concerns regarding delinquent property taxes and/or municipal utility fees on manufactured housing on land of another. Such commission to include appropriate interested stakeholders. Existing policy.

8. Tax Exemptions for Charitable Organizations – YES or NO

To see if NHMA will SUPPORT creating a commission to study reimbursement through payments in lieu of taxes (PILOTs) for municipal services provided to exempt charitable properties, including charitable non-profit housing projects under RSA 72:23-k, and SUPPORT reimbursement from the state for the costs of municipal services provided to state-owned properties. Revised by the committee to combine two existing policies.

9. Clarification of Elderly Exemption, Prorating Disabled, Deaf and Blind Exemptions – YES or NO

To see if NHMA will SUPPORT

a) Changes in RSA 72:39-a, 72:29, and 72:39-b to define "household income" for elderly exemption qualification consistent with the definition of "household income" used by the state in qualifying residents for the Low & Moderate-Income Homeowners Property Tax Relief Program under RSA 198:56-57 and Rev 1200; and

b) Legislation prorating the disabled, deaf and blind exemptions under RSA 72:37, 37-b, and 38b when a person entitled to the exemption owns a fractional interest in the residence, in the same manner as is allowed for the elderly exemption under RSA 72:41. Revised by the committee to combine two existing policies.

Standing Policy Recommendations

10. Assessment Methodology for Big Box Stores – YES or NO

To see if NHMA will SUPPORT legislation clarifying the assessment methodology for big box stores if used and occupied for the purpose for which they were built. This methodology would not employ comparisons to “dark store” properties abandoned or encumbered with deed restrictions on subsequent use.

Explanation: Large box stores such as Walmart, Lowe’s, Home Depot, Target, etc. have been successful in other states in obtaining large assessment reductions by using comparable sales or rentals of abandoned or deed-restricted properties. Submitted by: Kathryn Temchack, Director of Real Estate Assessments, City of Concord.

11. Income Approach on Appeal -YES or NO

To see if NHMA will SUPPORT legislation that prohibits the use of the income approach by a taxpayer in any appeal of value if the taxpayer, after request by the municipality, has not submitted the requested information. Existing policy.

12. Charitable Definition and Mandated Property Tax Exemptions – YES or NO

To see if NHMA will OPPOSE legislation that expands the definition of “charitable” in RSA 72:231, unless the state reimburses municipalities for the loss of revenue. Existing policy.

13. Sale of Tax Deeded Property - YES or NO

To see if NHMA will SUPPORT amending RSA 80:89 to require proof that the municipality sent the required notice of impending tax deed rather than proof that the taxpayer actually received the notice. Existing policy.

14. State Revenue Structure and State Education Funding – YES or NO

To see if NHMA will SUPPORT asking the state to use the following principles when addressing the state’s revenue structure in response to its responsibility to fund an adequate education:

- That revenues are sufficient to meet the state’s responsibilities as defined by constitution, statute, and common law;
- That revenue sources are predictable, stable, and sustainable and will meet the long-term needs and financial realities of the state;
- That changes to the revenue structure are least disruptive to the long-term economic health of the state;
- That the revenue structure is efficient in its administration;

- That changes in the revenue structure are fair to people with lower to moderate incomes.

Further, to see if NHMA will SUPPORT legislation prohibiting retroactive changes to the distribution formula for adequate education grants after the notice of grant amounts has been given. Existing policy.

15. Changes to the Official Ballot Process and Default Budget - YES or NO

To see if NHMA will OPPOSE changes to the official ballot process (SB2) including changes to the calculation of the default budget, unless such changes are a local option presented to the legislative body for approval. Revised by the committee (existing policy opposed any increase in the 60% bond vote requirement in SB 2 municipalities).

Infrastructure, Development and Land Use

Action Policy Recommendations

1. Municipal Use of Structures in the Right-of-Way – YES or NO

To see if NHMA will SUPPORT legislation granting municipalities a designated space to use for any purpose, including leasing to a private entity, upon all poles, conduit, and other structures within the rights-of-way without paying make-ready costs. This includes a requirement that the owners of utility poles and conduit do the necessary work to make that space available. Existing policy revised by the committee.

2. Municipal Authority to Adopt More Recent Codes - YES or NO

To see if NHMA will SUPPORT legislation enabling municipalities at their discretion to adopt more recent editions of national/international building and fire codes than the current state-adopted editions.

Explanation: Allowing municipalities to adopt current codes will promote best practices for health, safety, and welfare. Submitted by Portsmouth City Council.

3. Municipal Cooperation – YES or NO

To see if NHMA will SUPPORT legislation clarifying that municipalities and other political subdivisions may cooperate to perform together any functions that they may perform individually, including but not limited to providing services, raising revenue, constructing and maintaining infrastructure, and engaging in economic development efforts. Existing policy.

Priority Policy Recommendations

4. Regulation of Short-Term Rentals - YES or NO

To see if NHMA will SUPPORT legislation authorizing municipalities to regulate short-term rental of residential properties, including licensing requirements and health and safety protections. This should not be interpreted to limit existing authority to regulate such uses through municipal zoning ordinances and land use regulations.

Explanation: Municipalities across the country are increasingly forced to address problems associated with short-term rental of residential housing units, which are typically facilitated through the online platforms of AirBnB, VRBO, Home Away, and others. Problems arise often in singlefamily residential

neighborhoods, in which transient residential occupancy introduces instability and conflict (e.g., noise complaints with no recourse other than to call the police). Some jurisdictions have already addressed this through legislation, sometimes accompanied by comprehensive agreements with the online platform operators to submit to regulation. A related issue is whether the state is able to collect meals and rooms tax for such temporary uses, which are similar in some regards to B&B operations and hotels/motels. Submitted by Ben Frost, Planning Board Chairman, Town of Warner.

5. Highway Funding – YES or NO

To see if NHMA will SUPPORT a state transportation policy that ensures adequate and sustainable funding for state and municipal highways and bridges to promote safe and reliable transportation and corridors and economic development for the citizens of our state and for the travelling public. The policy should include:

- Maintenance of the proportionate share of the state highway fund that is distributed to cities and towns under current law;
- No further diversion of state highway funds for non-highway purposes; and
- Increased funding, which may include the state road toll, highway tolls, local option fees, user assessments, and other revenue sources as necessary. Existing policy revised by the committee.

6. Water Quality and Infrastructure – YES or NO

To see if NHMA will SUPPORT legislation that ensures adequate and sustainable investment to maintain or make necessary improvements to the state's critical water infrastructure (public drinking water, wastewater, and stormwater systems, and dams); that works to provide affordable water, wastewater, and stormwater services; that encourages regional and innovative solutions to water, wastewater, and stormwater issues; that supports decisions that rely on science-based standards; that supports local decision making; and that supports economic progress in the state while protecting public health and safety. Combination of existing policies revised by the committee.

7. State Adoption of Building and Fire Codes - YES or NO

To see if NHMA will SUPPORT a policy encouraging the state to: (1) adopt updated editions of national/international building and fire codes; (2) streamline the code adoption process while facilitating examination of changes that benefit the state economy; (3) encourage training opportunities for local code enforcement personnel.

Explanation: Multiple versions of codes are confusing for all parties. The state's adoption of updated codes would simplify municipal decision making in scheduling code ordinance updates. The quality of enforcement varies significantly among municipalities due to different levels of experience and training. Better training would lead to more consistent enforcement. Submitted by Portsmouth City Council.

Standing Policy Recommendations

8. Current Use - YES or NO

To see if NHMA will OPPOSE any legislative attempt to undermine the basic goals of the current use program and OPPOSE any reduction in the 10-acre minimum size requirement for qualification for

current use, beyond those exceptions now allowed by the rules of the Current Use Board. Existing policy.

9. Scientific/Technical Standards for Regulatory Legislation - YES or NO

To see if NHMA will OPPOSE regulatory legislation that is not based on relevant scientific and technical standards that are broadly accepted by peer review and feasibly achieved.

Explanation: In the past legislative session, bills were filed that attempted to supersede standards set by regulatory agencies without the applicable deliberation and processes associated with creating regulations. Submitted by Portsmouth City Council.

10. Land Use and Environmental Regulation and Preemption - YES or NO

To see if NHMA will SUPPORT legislation that (a) recognizes municipal authority over land use and environmental matters, (b) limits the establishment of comprehensive statutory schemes that supersede local regulation, and (c) recognizes that even when local environmental regulation is preempted, compliance with other local laws, such as zoning and public health ordinances and regulations, is still required. Existing policy.

11. Energy, Renewable Energy and Energy Conservation – YES or NO

To see if NHMA will SUPPORT legislation encouraging state and federal programs that provide incentives and assistance to municipalities to adopt energy use and conservation techniques that will manage energy costs and environmental impacts, promote the use of renewable energy sources, and promote energy conservation, and OPPOSE any legislation that overrides local regulation. Existing policy.

12. Oppose Statewide Zoning Mandates - YES or NO

To see if NHMA will SUPPORT a policy recognizing the legislature's authority to establish statewide priorities in zoning and land use regulation but OPPOSE legislation that limits reasonable local control in implementing those priorities, or that unreasonably mandates specific criteria that municipalities must follow. Existing policy revised by the committee.

13. Conservation Investment – YES or NO

To see if NHMA will SUPPORT permanent funding for the Land and Community Heritage Investment Program and OPPOSE any diversion of such funds to other uses. Existing policy.

1

**New Hampshire Municipal Association
2019 - 2020 Legislative Policy Process**

RECEIVED
JUL 16 2018
NHMA

Floor Policy Proposal

Submitted by (name): Hudson Board of Selectmen

Date: July 10, 2018

City or Town: Hudson

Title of Person Submitting Policy:

Selectmen

Floor Policy Proposal approved by vote of the governing body on *July 10, 2018*

To see if NHMA will SUPPORT/OPPOSE:

To see if NHMA will support legislation to lower the abatement interest rate that municipalities pay from 6% to 4% (RSA 76:17-a) to better align it with the interest rate on delinquent taxes that were recently lowered by the NH Legislature.

Municipal Interest to be accomplished by proposal:

To align abatement interest paid by a municipality with the recent lowering of interest rates on delinquent property taxes.

Explanation:

Currently, after the timely payment deadline has passed on payment of property taxes, usually 30 days or more of grace time, 12% interest is charged, for a period of six (6) months, and then 18% interest is charged after those six (6) months. The NH Legislature and the Governor have passed into law, a significant decrease in the interest rate that is charged on late property tax bills. As of January 1, 2019, after the timely payment deadline has passed on payment on property taxes, 8% interest is charged, for a period of six (6) months and then 14% interest is charged. This proposal seeks to lower the interest rate on abatements paid by a municipality from 6% to 4% to better align with delinquent property tax interest rates.



2

New Hampshire Municipal Association
2019-2020 Legislative Policy Process

RECEIVED

JUL 24 2018

NHMA

Floor Policy Proposal

Submitted by (name) Jill White Date: July 23, 2018

City or Town Holderness Title of Person Submitting Policy Chair, Select Board

Floor Policy Proposal approved by vote of the governing body on (date) July 23, 2018

Submitted by (name) Brent T. Lemire Date: July 24, 2018

City or Town Litchfield Title of Person Submitting Policy Chair, Select Board

Floor Policy Proposal approved by vote of the governing body on (date) July 23, 2018

Submitted by (name) Rick Hiland Date: July 25, 2018

City or Town Albany Title of Person Submitting Policy Select Board - Chairman

Floor Policy Proposal approved by vote of the governing body on (date) July 25, 2018

Submitted by (name) David W. Swenson Date: July 31, 2018

City or Town New Durham Title of Person Submitting Policy Chair, Select Board

Floor Policy Proposal approved by vote of the governing body on (date) July 31, 2018

To see if NHMA will SUPPORT legislation clarifying that the Town Moderator has authority to postpone the official ballot voting session of town meeting in the event of severe weather or other emergency and establishing clear rules for addressing any practical issues involved in postponing the voting session.

Municipal interest to be accomplished by proposal: Preserve local control over elections and enable local officials to take necessary steps to protect public safety.

Explanation: RSA 40:4, II states that the moderator may postpone “the deliberative session or voting day of the meeting” in the event of a weather emergency. In 2017 many town moderators, relying on the statute’s language and on advice from their town attorneys and NHMA, postponed the “voting day” of their meetings because of a blizzard on town meeting day. The Governor, the Secretary of State, and some legislators subsequently claimed that this authority did not exist despite RSA 40:4, II language thereby creating confusion. In 2017 these conflicting inputs resulted in a need for legislation to ratify Town Meeting results so that bond counsel could give clean opinions on any bonds approved at postponed meetings. In 2018 when another forecasted severe snowstorm caused many town officials to consider postponing their official ballot voting sessions the Attorney General and the Secretary of State issued a memorandum prior to the predicted severe storm asserting that no such authority existed for Town Moderators to postpone “voting day of the meeting”; they also threatened criminal prosecution against the one Town Moderator who did postpone an official ballot voting session due to the severe weather on “voting day of the Town meeting”.

It is our opinion that to remove the current legislative authority for Town Moderators to postpone “the deliberative session or voting day of the meeting” in the event of a weather or other emergency may cause undue hardship and potential voter suppression issues to many affected voters.

Although to most Town officials the current statute is clear and the law has not changed, many Moderators are now reluctant to consider postponing the election portion of town meeting for fear of punishment by the State. Clarifying legislation is needed to eliminate any doubt and preserve local control over town elections. This proposal is specifically requesting the current statute to remain in place with specific amendments to address any perceived misinterpretation of the current legislation, address non-weather emergencies, establish procedures for dealing with absentee ballots in such cases of postponement, and address postponement by towns that are part of a multi-town school district or village district so that standardized procedures are part of the amended legislation.

**A sheet like this should accompany each proposed floor policy and should record the date of the governing body vote approving the proposal. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal, and an explanation which describes the nature of the problem or concern from a municipal perspective and discusses the proposed action which is being advocated to address the problem. Mail to 25 Triangle Park Drive, Concord, NH 03301; or email to governmentaffairs@nhmunicipal.org.
Must be received by August 10, 2018.**



3

**New Hampshire Municipal Association
2019-2020 Legislative Policy Process**

RECEIVED

JUL 26 2018

NHMA

Floor Policy Proposal

Submitted by (name) Bedford Town Council Date July 18, 2018 City or Town
Town of Bedford Title of Person Submitting Policy Rick Sawyer, Town Manager

Floor Policy Proposal approved by vote of the governing body on (date) July 18, 2018

To see if NHMA will SUPPORT/OPPOSE: legislation that would allow municipalities to be able to regulate the use of outdoor watering on all properties.

Municipal interest to be accomplished by proposal:
The proposal would allow municipalities to place outdoor watering restrictions on all properties during drought conditions not just residential properties as currently permitted under RSA 41:11-d.

Explanation: During two of the last three years the State of NH has faced drought conditions and the State Department of Environmental Services has recommended that municipalities ban or limit the outside watering of lawns, car washing, etc. Currently RSA 41:11-d limits the ability to place such a restriction to only residential land. It is very challenging to enforce such a restriction on our residents when the commercial properties they drive by are watering their grass and it significantly reduces the potential replenishment of the aquifer that the restriction could bring. During the last legislative session HB173 came close to providing for this change with the House approving it 249-100, but it ultimately failed in the Senate.

A sheet like this should accompany each proposed floor policy and should record the date of the governing body vote approving the proposal. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal, and an explanation which describes the nature of the problem or concern from a municipal perspective and discusses the proposed action which is being advocated to address the problem. Mail to 25 Triangle Park Drive, Concord, NH 03301; or email to governmentaffairs@nhmunicipal.org.
Must be received by August 10, 2018.



4

RECEIVED
AUG 9 2018
NHMA

**New Hampshire Municipal Association
2019-2020 Legislative Policy Process**

Floor Policy Proposal

Submitted by (name) Robert Thibault Date August 9, 2018

City or Town Easton Title of Person Submitting Policy Selectman

Floor Policy Proposal approved by vote of the governing body on (date) July 30, 2018

Submitted by (name) Eric Meth Date August 9, 2018

City or Town Franconia Title of Person Submitting Policy Selectman

Floor Policy Proposal approved by vote of the governing body on (date) July 30, 2018

Submitted by (name) Margaret J. Connors Date August 9, 2018

City or Town Sugar Hill Title of Person Submitting Policy Select Board Member

Floor Policy Proposal approved by vote of the governing body on (date) 7/30/2018

To see if NHMA will SUPPORT/OPPOSE:

Support a bill that would clarify that the Site Evaluation Committee does not have jurisdiction over use of municipal roads by merchant utility projects.

Municipal interest to be accomplished by proposal: **Maintain local control over municipal roads.**

Explanation:

On Page 282 of the Site Evaluation Committee's March 30, 2018 written decision denying Northern Pass a certificate of site and facility the SEC explains why it believes it have the authority to supersede existing state law that gives the authority over control of use of municipal roads by utilities to the governing body of the municipality. Either the SEC has the authority to supersede municipal control over municipal roads or it doesn't. This needs to be made clear for all municipalities and for all future potential applicants to the SEC. While it is clearly stated in RSA 162:H (the authorizing statute for the SEC) that its authority supersedes local land use regulation, there is no reference at all to control over municipal roads. Municipalities are vulnerable to losing control over their own roads if this legal confusion is not cleared up.



TOWN OF SUNAPEE
TOWN CLERK & TAX COLLECTOR

August 17, 2018

To: Board of Selectmen

From: Betty H. Ramspott

Subject: NHMA Legislative Policy 2019-2020

At your meeting dated August 13, 2018 you asked my opinion on Priority Policy Recommendation #7. I have spoken with NH DMV and the NH City & Town Clerk's Executive Board regarding this and their response was exactly what I was thinking.

All DMV records are protected under the Privacy Act, and NHMA's policy would defiantly go against this. It is the duty of the Town Clerk and DMV to protect an individual's right to privacy. Therefore it would be my opinion that we should not support this.

Also, I would like to voice my concern on Recommendation #2 Absentee Ballot Expansion. I would strongly urge the Board to not support this. This truly opens the flood gates to early voting something I do not think is good for our state. New Hampshire has a handle on elections, making sure they are conducted properly. I feel this would mar that procedure. The explanation as to why this is being presented is that people are reluctant to come to the polls for various reasons. Those people who qualify such as disability, medical, employment related or religious reasons can vote absentee. If they are not comfortable to appear in person they can do everything by mail.

Thank you for considering my opinion on these two items along with the Appointment of Town Clerks that I presented last meeting.

SUMMER TOWN MEETING QUESTIONS

SCHOOL QUESTIONS

- a.) Why does the Sunapee School Board meet so infrequently? The Hopkinton School Board, for example, meets every two weeks as do Sunapee's Selectmen. The school board meets once a month and has the ability to meet more often if needed, as an example, during the budget months they have budget meeting before regularly scheduled monthly meetings. The board also has sub-committees that meet as needed: facilities, policy, negotiations, CIP. They report back to the board at monthly meetings.
- b.) Is it true that the School Board has not met since early June and has no plans to meet until sometime in September? The Board meets the first Wednesday of each month. In the past based on vacation we pushed the August meeting off to the third or fourth Wednesday in August. This year due to schedules the Board opted to forego the late August meeting and start in September.
- c.) If so, did the board grant power to the Superintendent to make decisions on behalf of the Board during this 3-month period? The Board gives the Superintendent the ability to hire over the summer as they do each year. Outside of that we have not been faced with any decision that the Superintendent is not able to make. If needed the Superintendent can reach out to the Board.
- d.) Do Board members receive a flat annual fee for serving on the Board, or is it based on the number of meetings they each attend. If not the latter, how is that in taxpayers' and the children's best interest? Board members receive \$1200 flat stipend regardless of number of meetings attended.

WATER & SEWER QUESTIONS

- a.) Why are Sunapee residents not metered for sewer usage and wouldn't usage-based fees be fair for all consumers? -Pay by the gallon-
The Water & Sewer Commission has investigated the possible use of metered sewer charges and has determined that the large cost of installing meters on everyone's wells (over \$200,000) that are not on the Town Water system would not be advantageous because very similar to the water usage fees Sunapee would still need to maintain a flat fee for sewer because such a large percentage of the users (approximately 70%) are seasonal.
- b.) Is it true the original scope of the Perkins Pond Sewer project was completed for nearly \$1 million under budget but the Town chose to spend all or most of that savings rather than returning it to America's taxpayers because the additional spending was funded by federal money?
Any remaining Perkins Pond Grant money was utilized to either purchase equipment to maintain the sewer system or upgrade aging existing sewer pump stations.
- c.) If so, does the Sewer department make decisions like that under the guidance of the Selectmen or Town Manager? How was it possible to spend so much of taxpayers' money without consulting taxpayers via a warrant article?
The Perkins Pond Sewer Project was presented to the taxpayers via 2012 warrant article #3 which passed with the required 3/5 majority.

POLICE DEPARTMENT QUESTION

a.) "I admire all the innovative programs and devices that Sunapee PD has embraced – e-ticketing, plate readers, coffee with the Chief – Bravo! It's interesting that we are the only town with e-ticketing and second town in the state with plate reading. Why haven't other towns and cities kept up with this technology. It sounds inexpensive – what's the catch?"

Thank you for the question and I appreciate the kind words and recognition of our constant effort to keep up with evolving technology.

Regarding e-ticketing, and to set a bit of the foundation as to why we have e-ticketing, the Sunapee Police Department was a pilot agency connecting to the State of NH's SPOTS (State Police On-Line Telecommunications System), through which we connect to the FBI's NCIC's (National Crime Information Center), database. This required internet security via a VPN connection. Previously, this connection could only be provided by a T1 direct line to a dispatch center. Having this connection allows us to run criminal histories and other NCIC information. Previous requests for Criminal Histories came at an expense as we were charged for them through our dispatch center, as well as, travel to the dispatch center to retrieve them. They are now run in house. Having successfully been a part of their pilot program provided us with secure internet connections that not all agencies have. The e-ticketing program has been discussed for several years as becoming available for local agencies. Chief Cahill's tenacity in obtaining the program and already having the security to transmit the data here in Sunapee, led to us being first in line. The NH State Police's IT personnel worked long and hard on making sure all of the connections were working as they should. We then tested the program for months, having every officer produce samples warning and citations that would then be routed to the DMV and the courts. Fortunately, NHSP IT personnel were with us every step and made the program successful. Regarding cost, there was substantial time involved in developing the program. It does run on computers that were already in the vehicles. Specialized printers did have to be installed in the cruiser for printing the warning and citations. Now the system proves to be a time saver. Time on motor vehicles stops is reduced as we scan license and registrations instead of typing them in and print the complaint instead of handwriting it. Also, at the end of a shift, officers transmit their warning and citations electronically which saves additional paper handling and postage for the Town of Sunapee, NH DMV and the Courts. Since the Summer Town Meeting I have followed up with NHSP and found there are 4 other agencies in the state that are transmitting tickets electronically but not through the same software. They are expecting a new release of that software next month that will fix a lot of the problems they've encountered, and, in turn, they expect more agencies to start transmitting tickets electronically.

Regarding the license plate readers (LPRs). They are a result of the hard work of the NH Association Chiefs of Police and again, the tenacity of Chief Cahill. Over the past several years there have been bills introduced and discussed regarding the use of the readers. The first bill was not passed by the NH Legislature. A bill has now been passed and made into law, NH RSA 261:75-b, which allows the use of license plate readers with certain restrictions, some of which are to protect the privacy of motorists. The bill also includes a "sunset" stipulation in which the law expires in 10 years from its passing if not revisited. The license plate readers are expensive, at a cost of approximately \$12,000. Additional equipment is also required such as the computers and internet connections that, due to our other technological efforts, were already in place. Fortunately, with the assistance of the Sunapee Police Benevolent Association and private donations, as well as tax payer funds, the Sunapee Police Department was able to purchase the license plate readers. Chief Cahill has been involved in the legislation throughout the process of

bringing this technology to New Hampshire for the safety and security of our citizens and officers. Lincoln Police currently hold the server on which the license plate readers communicate. I believe other agencies will be adopting the technology in New Hampshire. Please feel free to contact me at the station at 763-5555 or email me at e.neill.cobb@sunapeepd.com if you have further questions or if you'd like to see a demonstration of e-ticketing or the LPRs. I'm also at most of the Coffee with the Chief events and would be happy to discuss or demonstrate them.