

SUNAPEE BOARD OF SELECTMEN  
MEETING  
6:30PM Town Office Meeting Room  
Monday, January 24, 2022

Present: Chairman Josh Trow, Vice-Chairman Suzanne Gottling, Selectman Hathorn and Selectman Wallace.

By ZOOM: Shannon Martinez, Town Manager.

Absent: Selectman Fred Gallup

**REVIEW OF ITEMS FOR SIGNATURE:**

**MOTION TO APPROVE THE FOLLOWING CZC's:**

**Parcel ID:0127-0020-0000 189 Lake Ave., Suzanne W. Tibbetts 2015 Revoc. Trust**

**Parcel ID:0130-0005-0000 33 West Court Road, Shaun & Kathleen Carroll**

**Parcel ID:0128-0015-0000 21 Garnet St. Ann Leal Living Trust- signed 1/11/22**

**Parcel ID:0136-0007-0000 179 Burkehaven Hill Rd., JPC Investments, LLC.**

**BY Selectman Gottling, seconded by Selectman Hathorn. Unanimous.**

**MOTION TO APPROVE THE FOLLOWING LAND DISTURBANCE BOND:**

**Parcel ID:0128-0015-0000 21 Garnet St. Ann Leal Living Trust- signed 1/11/22**

**BY Selectman Hathorn, seconded by Selectman Wallace. Unanimous.**

**MOTION TO APPROVE THE FOLLOWING PERMIT TO EXCAVATE:**

**Jobs Creek Road, Eversource Energy**

**BY Selectman Wallace, seconded by Selectman Gottling. Unanimous.**

**MOTION TO APPROVE THE FOLLOWING DENIED SIGN PERMIT:**

**Parcel ID:0133-0084-0000 Burkehaven Hill Rd., Town of Sunapee/The Lodge by Sunapee by Selectman Gottling, seconded by Selectman Hathorn. 3 Opposed, Selectman Hathorn Abstained.**

**APPOINTMENTS**

**7:00PM-LSPA**

Stu Greer and Kirk Bishop, Co-Chairs of the Watershed Committee of LSPA made a presentation to the Board, the presentation is attached. LSPA is pleased and fully behind the Board's decision to include funding for a Code Enforcement Officer in the budget proposal for 2022.

**PUBLIC COMMENTS:**

- Tanner Royce has concerns about how the Town is managing a Human Resource matter.
- Charlene Osborne wanted to talk as a regular citizen and not just as the Recreation Committee Chairman. She has been on the committee for a long time and has been involved in recreation as a coach and a parent. The Veterans Field project is something she has personally worked on since 2014 and was discussed long before that. She feels it is important to invest in the town, try to move forward and garish some interest and try to make improvements not only to the lives in the community, but the visual aspects of when you are driving through town.

- John Augustine asked the following questions.
  - Selectman Gallup has not been to the last several meetings, is he still a member of the Board? Chairman Trow replied yes, he is. His job has him working long hours at night. John Augustine asked if there was an attendance policy or expectation that someone attends a certain number of meetings during the year or consecutively? Chairman Trow replied no, there is not a policy. John Augustine thinks the culture of a town and the culture of its leadership team and volunteers starts at the top. The people at the top set an example for how things should be done and expectations for performance and attendance. When the people at the top are not setting a good example, it is dangerous because it can drift down to employees, and you get situations like Tanner Royce just mentioned. John Augustine would encourage the Board to think about having some type of attendance expectation or policy.
  - Was there a ZOOM link to participate in the full meeting tonight? Chairman Trow said yes.
  - The MS535 is a specific document that the Board discusses and votes on, but it has never been put in the Town Report. The document contains all the revenues, expenses, and fund balances. Do you see this document being included in this year's town Report? Shannon Martinez said that the Acting Finance Director has asked for it to go into the Town Report.
  - The Deliberative Booklet does not have any actual expenses from the prior year in the finance section. Was that an oversight or intentional? Chairman Trow thinks it was an oversight. In the same booklet there is a page that talks about the projected town tax rate and there is going to be \$500,000 from fund balance to reduce taxes. Is this Board committed to that amount? Chairman Trow said that was an estimate based on what the Acting Finance Director saw and suggested. Shannon Martinez said it was John Augustine's suggestion at a Coffee with the Chief meeting. Shannon Martinez and the Acting Finance Director looked back at the town's policy and what the aim was and what was in place and the \$500,000 was their best educated guess on where the town is positioned right now. Shannon Martinez said one thing to keep in mind is that the Deliberative Booklet is a courtesy the town has done over the years, it is not a requirement.
- Chris Whitehouse wanted to go over a couple of things. He asked that Chapter 32 of the NH Municipal Budget law and Frequently Asked Questions about the Default Budget be put in tonight's meeting packet. He started to explain what this meant, and Shannon Martinez apologized and said she was going to present on the Default Budget later in this meeting. After questions from Chris Whitehouse, John Augustine, and others they went back and looked, and it is clear to us that we have not been doing the Default Budget correctly since 2018. So, a lot of time was spent, but things were fixed that needed to be fixed. Shannon Martinez appreciates all the dedication and hard work that Chris Whitehouse has put into this, but she wanted to be able to explain to her colleagues and the Board of Selectmen some of the changes that were done. The major difference in the understanding of the legislation from 2018 to right now is that the town has not been using the correct definition of contract. For example, the Town has entered a legally binding contract with Donna Nashawaty, the Town did not appropriate that contract at Town Meeting so it cannot go into the Default Budget, but the Town still needs to pay that contract.

That could be the case for any number of things, if the Town entered a contract, they have to find a way to pay that contract in the budget. The Highway Department has had the most increases in contracts because salt, fuel and electricity have all gone up. These increases cannot be included in the Default Budget, only current costs. Things would have to be shuffled around to make ends meet and it would also mean that some services would have to be restricted. Shannon Martinez said the 2021 approved budget was \$6,240,000 and the 2022 Default budget is \$6,200,000. Chris Whitehouse thanked Shannon Martinez and said all he was looking for was transparency. Shannon Martinez said the Town Attorney is here to answer any questions the Board might have on the Default Budget. The Town Attorney said in 2018 Representative Kirk from the Town of Weare introduced an amendment at the legislature to clarify what exact contracts could be included in the Default Budget. Historically all towns had been including all contracts whether approved by Town Meeting or not. That was what the law said that the Default Budget could be increase or decrease by a contract. In 2018 the Town of Weare's Default Budget was challenged, and this exact issue came up. Chairman Trow said that the Board will need to work with the Town Manager to get a handle on what is included and not included in the Default Budget now. Chairman Trow asked the Town Attorney if it would be enforceable to have a town vote So that things like the Town Manager Contract and Step Raises were included in the Default Budget? The Town Attorney replied that she did not think so because the Default Budget is defined by statutes, not by policy. She does not think Town Meeting can override state law. Shannon Martinez thinks that the Board might want to look at staff contracts like the school has which are included in the Default Budget. Shannon Martinez said she can commit to the Town to have a transparent local government. She is committed to share as much information and to learning the rules. She can only go forward from here.

#### SELECTMEN ACTION

- Sign 2021 Equalization Municipal Assessment Data Certificate-signed 1/11/22

**Motion to sign the 2021 Equalization Municipal Assessment Data Certificate by Selectman Hathorn seconded by Selectman Wallace. Unanimous.**

- Vote on Petition Warrant Article Appropriations

The Board needs to vote whether to support the Petition Warrant Articles when there is a dollar amount. The articles are as follows.

- Article 22-Phrase 1 of the Veterans Field Project, \$250,000  
**Motion to add Selectmen recommendation by Selectman Wallace seconded by Chairman Trow. The vote was 50/50 and did not pass.**
- Article 23-Full-time Recreation Director position, \$30,000  
**Motion to add Selectmen recommendation by Selectman Gottling seconded by Selectman Hathorn. The vote was opposed and did not pass.**

## TOWN MANAGER REPORTS

### •Updates:

- Request for Public Hearing  
Shannon Martinez said that Neill Cobb would like to officially appeal his non-disciplinary termination to the Board of Selectmen. The meeting will be on Monday, January 31<sup>st</sup> at 7:00PM.
- Cancel February 7<sup>th</sup> BOS Meeting  
The BOS meeting scheduled for Monday; February 7<sup>th</sup> will be cancelled.
- Solar Array Warrant Article  
Shannon Martinez said the Solar Array warrant article has been removed from the warrant because after researching RSA's it does not look like it is an appropriate or allowed use of Town Forest land.
- MRI  
MRI has met with Chief Galloway and will next meet with the Firewards for the 5-year strategic plan of the Fire Department.
- Social Security  
Shannon Martinez said it came to her attention that the Town did not report the employee wages to Social Security for 2020. The Town will be fined, and the wages will be posted to Social Security.
- FEL Power  
Shannon Martinez said the Town does not use enough energy to make us worthwhile to FEL Power, so we will not be signing a contract with them.
- Library Director Job Description  
The Library Director wanted to share her job description with the Board. Shannon Martinez said Mindy Atwood goes above and beyond her job description. Selectman Wallace asked if there were job descriptions for every position. Shannon Martinez replied In 2018 there was a big push to do people's job descriptions, but it been done in bits and some people think they have one job description and the electronic file do not have the same job descriptions. Scott Hazelton said in 2018 just after the Wage & Reclassification study were done the former Town Manager asked him to update his job description so the change could be presented to the Board of Selectmen. It was never confirmed to him if it was done.
- Temporary Zoning Help  
Shannon Martinez said she would like to bring back Roger Landry on a short-term basis to help in the Planning and Zoning Department. After some discussion, the Board said it was Shannon Martinez's decision to make.

**9:07PM-Motion to enter a non-public session under RSA 91-A:3, II(l)-Consideration of legal advice provided by legal counsel by Chairman Trow, seconded by Selectman Gottling. Roll Call Unanimous.**

**9:42PM-Motion to reconvene the public session by Chairman Trow, seconded by Selectman Hathorn. Roll Call Unanimous.**

**9:42PM-Motion to seal the minutes by Selectman Wallace seconded by Chairman Trow. Unanimous.**

Meeting Adjourned 9:42PM

Respectfully Submitted by,

Barbara Vaughn

Administrative Assistant

SUNAPEE BOARD OF SELECTMEN  
MEETING AGENDA  
6:30PM Town Office Meeting Room  
Monday, January 24, 2022

1. REVIEW OF ITEMS FOR SIGNATURE:

CZC's:

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PERMIT TO EXCAVATE:

Jobs Creek Road, Eversource Energy

DENIED SIGN PERMIT:

Parcel ID:0133-0084-0000 Burkehaven Hill Rd., Town of Sunapee/Lodge by Sunapee

2. APPOINTMENTS

7:00PM-LSPA

3. PUBLIC COMMENTS:

4. SELECTMEN ACTION

- Sign 2021 Equalization Municipal Assessment Data Certificate-signed 1/11/22
- Vote on Petition Warrant Article Appropriations

5. CHAIRMAN'S REPORT

6. TOWN MANAGER REPORTS

•Updates:

- Default Budget
- Request for Public Hearing
- Cancel February 7<sup>th</sup> BOS Meeting
- Solar Array Warrant Article
- MRI
- Social Security
- FEL Power
- Library Director Job Description

7. UPCOMING MEETINGS:

01/25-6:00PM-Trustees of the Trust Funds, Town Meeting Room

01/26-5:00PM-Energy Committee, Town Meeting Room

01/26-7:00PM-Firewards-Safety Services Building.

01/27-5:30PM-Water & Sewer Commission, Town Meeting Room

02/02-7:00PM-Conservation Commission, Town Meeting Room

02/03-6:00PM-Zoning Board Meeting, Town Meeting Room

**NONPUBLIC:** The Board of Selectmen may enter a nonpublic session, if so voted, to discuss items listed under RSA 91-A:3, II

**Respectfully submitted to the Sunapee Selectmen**

For their meeting on January 24, 2022

By the Watershed Committee of LSPA  
Stu Greer and Kirk Bishop, Co-Chairs

**LSPA Mission:** Founded in 1898, LSPA is dedicated to preserving and enhancing the environmental integrity of the Lake Sunapee region, especially its lakes and watersheds, through education, research, and collaborative action.

**From LSPA's Historic Values Statement:** "The special qualities of the Lake Sunapee region contain the seeds of its destruction. Its beauty, its quiet vistas, its refreshing waters, and the recreational opportunities it offers are powerful magnets to many users. Human behavior can put the watershed environment at risk.... Not every use of land or water is wise or sustainable. It is imperative that our personal actions and our community choices are informed by rigorous science."

**The Watershed Committee of the LSPA** has two priorities in 2022: 1) increase public awareness of the existing decline in water quality and what we can do about it, and 2) work collaboratively with town leaders to increase the enforcement of those existing ordinances that directly impact the quality of the water in the watershed.

**The Outreach Program: "Let's Be Clear" (Priority #1 from above)**

- The water quality of NH lakes, ponds, and streams is in decline, and we should all be very concerned
- Runoff carrying contaminants degrades water quality and leads to algae and cyanobacteria blooms
- There are ways to reverse this trend by choosing personal actions to protect water quality
- Inaction would be devastating to our natural resources and to our entire local economy

**But we are here to talk mostly about Priority #2**

**This is a widespread problem:**

- From NH LAKES: *"There's a villain afoot in our lakes—actually many trillions of them—literally. The villain: Cyanobacteria. They've already been mobilized in some of New Hampshire's cleanest lakes. Exposure to toxic blooms can make people and pets sick, with symptoms like nausea, vomiting, and diarrhea. And we're seeing more of them on New Hampshire's lakes than ever before. The increase in toxic blooms in our lakes makes one thing clear—our lakes need our help."*
- A summary of the NH DES 2020 Lake Trend Report: Fecal bacteria has increased, the number of cyanobacteria advisories rose, invasive species infestation has grown, conductivity (salt) increased and water clarity has decreased
- The value of properties on Lake Champlain have fallen 15% directly attributable to declining water quality. The proposal to remediate the issues with water quality includes a \$48 million/year assessment on lakefront property owners until the year 2037. Sunapee's 2020 taxable real estate value was \$1,474,685,673, 15% of which is \$221,202,851. 2020 tax revenue from Sunapee waterfront properties totaled \$10,657,116.



- Per the Valley News: *"Due to an increase in year round homeowners on Lake Morey, the Fairlee Selectboard has enacted a yearlong moratorium on construction on the "lake" and "lake shore resort" zoning areas"...until it has a better understanding of the nutrient sources that are contributing to repeated cyanobacteria blooms.*

### **And Lake Sunapee is not immune:**

More total cyanobacteria blooms were observed on Lake Sunapee last summer than in recent history. Measuring water quality is complicated: it includes measuring levels of phosphorus, conductivity (salt), chlorophyll, clarity, e-coli, temperature and oxygen at multiple depths, health of marine life (both plant and animal), etc. LSPA has been doing sophisticated data collection and research on the water quality in the watershed for decades and is happy to "go deep" with anyone who wants to look closer. For the purpose of this meeting, please accept that all metrics are trending in the wrong direction.

Eventually, in less than 10 years, algal blooms will become more common over a wider area, in more waterbodies. It is much more expensive and harder (maybe even impossible) to remove phosphorus and pollutants than it is to prevent them. A study from 2007 indicates that 69% of surveyed visitors to New Hampshire fresh water sites said they would decrease their visiting days if they perceived there to be a decrease in water quality. The impact of recreational fishing in New Hampshire is approximately \$215 million dollars per year. New Hampshire collected over \$6.2 million dollars in fishing licenses in 2017. This revenue, along with the estimated \$40 million dollars gained from visitors to New Hampshire freshwater state parks in 2017, will be at risk if water quality deteriorates.

### **What human activities are having the most negative impact?**

- Phosphorus from fertilizer - it is also fertilizer for cyanobacteria.
- Road Salt
- Septic runoff
- Erosion from development/construction projects

<All four of these are made worse by the increased intensity and frequency of weather events which increase stormwater runoff>

### **What can the individual property owners do?**

Please see the attachment for 13 specific things a homeowner can do to protect our Lake and our Watershed.

### **What can the Sunapee Selectboard do?**

Active and increased enforcement of already existing ordinances will be essential, especially in the area of erosion from development/construction projects. Specifically, direct monitoring of erosion control measures is needed.

### **Which Ordinances?**

The most obvious one is from Sunapee Zoning Ordinance Section 4.30 OVERLAY DISTRICT USES. Under section 4.33 (Shorelines - Specific Provisions), Paragraph 8 (Erosion Control), sub-paragraph (a) (Construction), article (I) says *"Erosion and sedimentation control plans shall*

*be required for all construction, filling, grading, dredging, and other activities requiring land disturbance within the Shoreline Overlay District...."*

Article (II) says: *"....The Board of Selectmen shall review and decide to approve or deny all plans before issuing a Certificate of Compliance and may require the applicant to post a bond...."*

And article (III) says *"...Erosion control measures shall be installed before construction and grading..."*

### **What is the problem?**

How can we know if the proper measures are being taken and that property owners and construction companies are in compliance if no one is inspecting? Everyone in the area knows that no one is watching. While the education of willing participants is helpful, enforcement of regulations, with consequences, is required. This is why we are pleased and fully behind your decision to include funding for a Code Enforcement Officer in your budget proposal for next year.

### **What is the solution?**

The CEO who fills the position you have approved needs to be inspecting construction sites for proper erosion control measures BEFORE construction is allowed to begin, prior to completion being certified, and possibly intermittently during the construction period (depending on the size of the project and the occurrence of severe weather events or reports of concerns).

### **Who is going to pay for this?**

It should be paid for by the owner of the property where construction is proposed. Lebanon currently charges 0.6% of the cost of the project. Exeter charges 0.5%. The funding as modeled and proposed by the Selectboard is consistent with this and the likely revenue implications match the modeling which we have done independently. This ensures that the code enforcement position is cost neutral.



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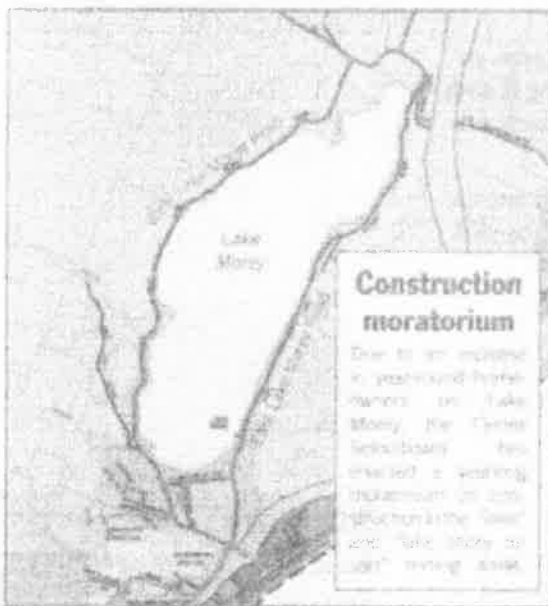
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## Fairlee pauses building around Lake Morey



Shelby Shaw is Fairlee

VALLEY NEWS—DECEMBER 15, 2021

By [CLAIRE POTTER](#) (/byline?byline=By+CLAIRE+POTTER)  
Valley News Staff Writer

Published: 9/30/2021 8:44:12 PM  
Modified: 10/5/2021 1:11:05 PM

**FAIRLEE** — The Fairlee Selectboard this week unanimously adopted a building moratorium around Lake Morey until it has a better understanding of the nutrient sources that are contributing to repeated cyanobacteria blooms.

"We just saw an influx (of people) during COVID," Peter Berger, who chairs the Selectboard, said in an interview Monday, hours before the Selectboard held a public hearing and voted on the matter.

An unusually high number of people using the houses around the lake, many of which are normally seasonal, because of the pandemic possibly put pressure on septic systems near the lake, town officials said. While the Selectboard is "not opposed" to

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(<https://www.vnews.com/Lebanon-woman-sentenced-in-overdose->

higher use, Berger said that "we would like to make sure that all the conditions and criteria are being met to keep the lake safe. It's a valuable resource for the town."

The moratorium affects properties on both sides of Lake Morey and Clubhouse roads that fall in the "lake" and "lake shore resort" zoning areas. It will last for at least one year, during which residents cannot build new subdivisions, new principal buildings, or projects that would require a "conditional use permit." The Selectboard may extend it for a second year.

Fairlee Zoning Administrator Chris Brimmer said during the hearing that property owners along the lake "can't so much as put in a shed" without a conditional use permit.

In an interview on Wednesday, Brimmer said, "It's a whole neighborhood of nonconforming lots and buildings and questionable septic systems." He has seen an increase in conditional use permits for taking down a structure and replacing it with another on the same footprint, as well as for converting homes from seasonal to full time use.

"It's the typical issue with a lot of lakes that were seasonal communities, and our use patterns have really changed, and that's just accelerated with the pandemic," he said. "The lights went on in March around the lake and they haven't gone off since."

There have been bidding wars on lake homes, and new owners have applied to change the older homes or add new buildings. Martha E. Diebold Real Estate in Hanover listed a 3-bedroom house on the western shore of the lake for \$950,000 on Sept. 2, and it was already under contract by Sept. 5, the agency said. The asking price was well above the home's assessed value of \$523,800.

Susanne Pacilio, the listing agent for the property, lives in another residence on the lake.

"Absolutely, I'm concerned," she said, when asked about the cyanobacteria. As of yet, the problem "doesn't seem to have affected" home values, but she said that would likely change if there were large blooms.

Faulty or overloaded septic systems could be contributing to the [rising nutrient levels detected \(https://www.vnews.com/State-scientists-concerned-about-phosphorus-levels-in-Lakes-Morey-and-Fairlee-41946616\)](https://www.vnews.com/State-scientists-concerned-about-phosphorus-levels-in-Lakes-Morey-and-Fairlee-41946616) by scientists with the Agency of Natural Resources in recent years. The nutrients in turn feed cyanobacteria in the lake. ANR has hosted educational programs to inform homeowners at the lake how to manage their septic systems in order to protect water quality. Some of the nutrients in the lake could also be entering through its tributaries, and possible sources are not limited to septic tanks near the lake. The interstate cut into the mountain above the lake, run-off from roads and fields, erosion on roads, fertilizer on lawns, a warming climate, and chemical processes on the lake bed are all potential contributors. State scientists who sampled the lake said that the lakeshore found that there is little

death-44009113)

Jim Kenyon: Sleepy Bethel gets a dose of the war on drugs (https://www.vnews.com/Bethel-Physical-Therapist-Pleads-Guilty-to-Peddling-Opioids-43940270)

Fireplace ash in the kitchen trash leads to blaze in Canaan, authorities say (https://www.vnews.com/Fire-damages-lakeside-home-in-Canaan-44020003)

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agriculture in the watershed, but that there is a high percentage of lawns and impervious surfaces on the lakeshore, where runoff was likely depositing phosphorus in the lake and the algae tended to be thickest near the developed sites.

Berger explained that the town's authority over existing septic systems is limited in comparison to new construction. The moratorium on new construction will give the town time to change its zoning rules, and Berger said that new regulations may require a septic review for future conditional use permits.

The moratorium tasks the Selectboard with undertaking a watershed analysis to identify the poorly understood sources of the nutrients feeding cyanobacteria in the lake as well as possible infrastructure and policy changes to remediate the problem.

The high phosphorus levels that nourish cyanobacteria are a major concern. Clots of algae can deface a lake and turn away tourists. People also have to avoid swimming and fishing during a bloom, which occurs when cyanobacteria reproduce quickly and form a layer on a lake's surface. Toxins released from some species of cyanobacteria can irritate the skin or poison pets and wildlife, although state monitors have not found any toxic species of cyanobacteria in Lake Morey.

Kathryn Friedman was concerned that the moratorium may prevent her from changing the envelope of her house on the lake to make it "more accessible for a multi-generational family." Brimmer assured her that the moratorium contained an exception for ADA accessibility.

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Lakeside residents who attended the hearing were also concerned that the moratorium on new construction was not enough.

"You haven't given any real attention to the real problem of phosphate going into the lake through these failed systems, through inadequate systems, through no system at all other than a pipe, and to focus just on the new building recognizing that each one of those comes with a new septic system is really ignoring the problem," said Bruce Durgin who lives on the lake and leads the Lake Morey Foundation, a nonprofit which tries to protect the lake and its watershed.

Bill Weale, another lakeside resident, raised various concerns to the Selectboard, including whether the moratorium should take a larger geographic area into account. "The watershed is just as likely, if not more so, to be the biggest contributor to pollution to the lake at this point ... I don't understand why that area isn't included in the moratorium," he said.

Weale and Durgin also pointed out that the biggest piece of land near Lake Morey is the town forest. They argued that the Selectboard should address the possibility that erosion from logging is exacerbating the phosphorus problem.

Dan Ludwig, who chairs the town's Forest Board, said that there "very little evidence of current erosion." The issue was put to one side as zoning regulations do not hold sway over forest management.

Selectboard members said that the moratorium was only a first step, and that the lake would be a priority in years to come.

Although the moratorium went into effect on Monday, residents can still expect to see some construction on the lake in the coming months. Jeffrey and Linda Miller, who live in New Jersey and own a house on the lake, had filed an application for a conditional use permit before the moratorium went into effect. They applied to

demolish the old summer cottage, which has been in Jeffrey Miller's family for 48 years, and construct a modular vacation home fit for all seasons. The Development Review Board approved the permit on Tuesday.

Brimmer also said that the town might one day consider installing a central wastewater system near Lake Morey to pump waste away from the lake.

"When the last name is 'L.I.C.,' I don't feel bad about (denying a permit)," Brimmer told the board. "They're not going to be family, seasonal dwellings. They're going to be Airbnbs."

*Claire Potter is a Report for America corps member. She can be reached at [cpotter@vnews.com](mailto:cpotter@vnews.com) or 603-727-3242.*

#### Correction

Susanne Pacilio, of Martha E. Dichold Real Estate in Hanover, is the listing agent for a 3 bedroom house on Lake Morey owned by the Gary T. Brooks Trust that went under contract in three days last month. An earlier version of this story misstated her connection to the property and who owns the home.

#### Clarification

Fairlee Zoning Administrator Chris Brimmer said at a hearing last month that the town might one day consider installing a central wastewater system near Lake Morey to pump waste away from the lake. An earlier version of this story overstated where the town is in that process.

environment (/keyword/?keyword=environment)

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# **Homeowners: Things You Can Do to Protect Our Lake and Watershed**

## **Switch to phosphate-free cleaning products**

Phosphorus from septic systems can get into the lake and contribute to unwanted algae growth and cyanobacteria blooms.

## **Cover bare soil to prevent erosion**

Use plants, mulch, or leaf litter to cover up and protect soil from erosion. Learn about how The Shoreland Water Quality Protection Act protects water quality by regulating vegetation management.

## **Reduce large lawns**

If you have a larger lawn, consider dedicating a “no-mow” portion for pollinator habitat. Always make sure that you have a healthy planted buffer along the water’s edge and learn about lawn care within the protected shoreland.

## **Minimize impervious surfaces**

Runoff water from driveways, pathways, and parking areas (whether paved or not) can wash pollutants into nearby lakes, rivers, wetlands, and storm drains that empty into a waterbody. Directing water runoff into vegetated, well-drained areas is important.

## **Use fewer de-icing products**

Unlike other pollutants, salt cannot be treated or removed from runoff and it is salinating the lake. Use salt only when absolutely necessary, and use only enough for safe passage.

## **Leave a buffer of vegetation along the shore**

This buffer serves as a “last line of defense” to prevent unwanted runoff and erosion from entering the water and keeps the bank stable.

## **Put bubblers on a timer**

The bubbler does not need to run constantly to be effective and a reduction in run time minimizes the amount of disturbance to the lake/pond bottom and shoreline. Minimize runtime to 2 to 4 hours daily

## **Ditch the pesticides, herbicides, and fertilizers**

These chemicals are regulated within the protected shoreland area. Fertilizers are a major source of phosphorus which causes unwanted plant and algae. Pesticides and herbicides threaten wildlife.

## **Do not feed waterfowl**

Waterfowl waste contributes to phosphorus levels. Natural water conditions discourage plant and algae growth.

## **Leave the shallow area natural**

Lake shallows provide food and habitat for animals and their young and protect the shoreline from wind and wave erosion.

## **Make your voice heard**

As building and property development increases throughout the watershed, it is critical that stormwater runoff and soil erosion are controlled during and after construction. Advocate for new and existing zoning regulations designed to protect our watershed.

## **Make sure your septic system is well maintained**

Systems should be inspected and pumped regularly to protect the lake from bacteria and phosphorus.

## **Respect the rules**

Obtain proper state and local permitting and approval for erosion and sediment control, as well as tree cutting.





See page 2

Our lakes are telling us they urgently need help.  
Are you listening?  
Respond to their pleas today – when your donation will  
be DOUBLED!

Dear Kirk,

You know New Hampshire is home to some of the country's most pristine lakes. Beautiful, clean, clear, mountain-rimmed lakes.

But it may not be that way for much longer. That's why I'm writing to you today with an urgent appeal.

Like you, I am passionate about these lakes. I have loved these lakes since my parents moved us to New Hampshire during the summer before sixth grade.

These beautiful lakes, some of the country's most precious, need your help. In fact, they need a lot of help right now from people doing their part to keep them clean and healthy. A statewide community of people, like you, who are all living in a lake-friendly way. That's my vision. Our lakes need this. They deserve this.

**New Hampshire's lakes need people, just like you, to step up and do their part to keep our lakes healthy.**

Today, I have some really good news for you AND for New Hampshire's lakes:

**Generous members of the NH LAKES community have stepped forward. They've agreed to match every dollar you give in support of New Hampshire's lakes up until we've reached \$60,000.**

Your gift today of \$150 will be DOUBLED and then immediately put to work to ensure our lakes stay healthy.



→ And there's not a moment to waste! There's a villain afoot in our lakes—actually many trillions of them—literally. They've already mobilized in some of New Hampshire's cleanest lakes!

The villain: Cyanobacteria. These ancient little organisms have been living harmlessly out of sight in our lakes for centuries. But, suddenly, they are rearing their ugly heads, showing their true colors.

Cyanobacteria were originally responsible for creating the Earth's oxygen-rich atmosphere, sustaining life. But they've become villains—conducting crimes against nature, poisoning our waters with some of the most powerful natural toxins known. There's a gang of about twelve different types of cyanobacteria that worry us most in New Hampshire—we call them the Dirty Dozen.

→ This past summer, just after Memorial Day weekend, NH LAKES began receiving reports of toxic cyanobacteria blooms in New Hampshire's lakes. In one day alone, we received reports of toxic blooms in nine lakes—many blooms of the Dirty Dozen variety. That was a crushing day for me and my team—and for the individuals that love those nine lakes.

**But don't despair. There is work to do and you are part of the team that can do that work. Your donation today will make lake-friendly living the norm in New Hampshire. You will ensure New Hampshire's lakes remain the country's cleanest.**

Please join with me and many others and accept these events—increasing toxic blooms—as cries for help from our lakes. Please act now.

#### **Rush your gift today...**

- Your donation of \$50 will be doubled by matching funds to \$100.
- If you can give \$75, that's \$150 invested in keeping the lakes we love healthy.
- \$150 will be doubled to \$300.
- And, if you can give \$300, matching funds will turn your donation into \$600 to keep our lakes clean and healthy!

Any amount you give will be matched up until we reach \$60,000.

Kirk, I know you are as passionate about the health of our lakes as I am. You understand our lakes can't take care of themselves. They need your help!

You'll protect the lakes you love. And preserve them for our children and grandchildren to love.

**We know lakefront property owners want to take care of their favorite lake. So, with your help, we are sharing tools and resources to help them make lake-friendly choices—every single day. And, with your gift today, you will also be giving a voice to our precious lakes throughout the halls of New Hampshire's state house in Concord. Today, you will be part of the solution.**

You can use the enclosed giving form, or you can give quickly and securely online at [healthy.nhlakes.org](http://healthy.nhlakes.org).

I'm sure I don't need to tell you our lakes really need your help right now. With the warming climate, increased building around our lakes as a result of the pandemic, and more, our lakes are changing—and these changes could become permanent if we don't act.

It would have been hard for my parents to imagine their sixth grader getting sick the first time she ever jumped into a New Hampshire lake. But, today they do worry that their grandkids could get really sick when they jump in the lake.

Why now? Why have our lakes changed so dramatically in such a relatively short period of time? Nutrient pollution and the changing climate are the likely instigators. Nitrogen and phosphorus are being washed off the land by violent rains and flooding into our warming lakes. The cyanobacteria, those evil monsters, love this—more food and more energy from the sun to reproduce rapidly and populate their ranks.

But, the good news is, there are steps that can be taken to help stop these toxic blooms. It will involve inspiring everyone who cares about our lakes to ACT!

I know you care. And, I've had the opportunity to talk with so many other people just like you. **But! There are still too many people, including many of New Hampshire's legislators, who don't understand the urgency. They don't**

understand we all must act today to reduce the poisonous water washing off our land and into our lakes. This is how you can help take the Dirty Dozen down.

For generations, people like you have been investing in the care of New Hampshire's lakes. Over a hundred years ago, citizens of New Hampshire started to learn more about our lakes, organize their neighbors, and generously invest in their care.

Together, we will continue that legacy.

If you have questions or would like to discuss your contribution, please feel free to contact me at 603.226.0299 or [alamoreaux@nhlakes.org](mailto:alamoreaux@nhlakes.org).

**The most irrational thing we can do is pretend our lakes will take care of themselves.** They need you, doing your part, to keep them clean and healthy for all to enjoy now and in the future.

Committed to clean and healthy lakes—forever,



Andrea LaMoreaux  
President

PS: Don't let another day go by without doing your part to ensure New Hampshire's lakes remain some of the most pristine in the country. Your gift today will be **DOUBLED** until we reach \$60,000. **We must receive your donation by December 15 so we can update those who are standing by to match your donation.**

PPS: **Today, we are giving you a megaphone!** In the coming months, your state representatives will be deciding if toxic cyanobacteria blooms are a serious problem—serious enough to find a statewide solution. Do you have a Dirty Dozen story to tell? Or, do you want to share your concerns about toxic lakes? **Feel free to write a message on the enclosed postcard and include it with your check today! We will pass it along.**

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# New Hampshire **Bulletin**

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## 'Our lakes are sick': Upward trend of cyanobacteria blooms troubles residents, experts


BY: **AMANDA GOKEE** - DECEMBER 6, 2021 5:53 AM

in- f







 Cyanobacteria occurs naturally, but when there are too many nutrients in the water the growth can get out of control. Here, a bloom on Phillips Pond in Sandown in a photo taken in September. (Courtesy of the New Hampshire Department of Environmental Services)

*This story was updated on Dec. 6, 2021, at 10:28 a.m. to correct the name of the nonprofit NH LAKES.*

Kirk Meloney first started going to Lake Kanasatka in Moultonborough as a boy. He remembers the crystal-clear water in the small lake – you could see straight to the bottom, even in parts of the lake that were 12-feet deep.

Meloney spent the formative years of his childhood at his grandparents' lake camp, and it was the lake in large part that drew him to later make New Hampshire his permanent home in the mid-1970s. But in the past two years, Meloney has watched with dismay when the lake changes – a bright green film the color of Gatorade starts to grow across its surface, the clear water turning

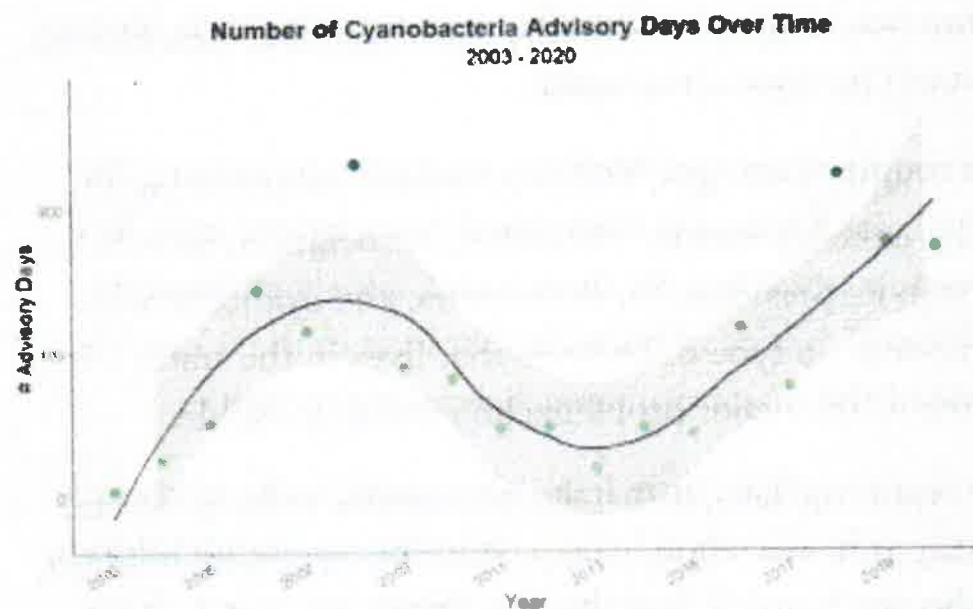
into pea soup as potentially toxic cyanobacteria blooms cloud the once-clear water.

A couple years ago, Meloney started volunteering for the Lake Kanasatka Watershed Association; now, he's been its president for three years, and cyanobacteria blooms – a type of bacteria that lives in the water – is one of the major problems he's trying to tackle.

"I want my lake, little Lake Kanasatka, to be as crystal clear as it was when I was a child for my grandchildren, who are 3 and 5. And the way things are going, that's not going to happen," he said.

Cyanobacteria occurs naturally, but when there are too many nutrients in the water – driven by human development and runoff – the growth can get out of control, and the blooms can be toxic, making humans and animals who come into contact with the water sick. A one-time exposure can cause a rash or nausea, but continual exposure even at low levels can cause respiratory, liver, and neurological issues. And it's not just a problem for Lake Kanasatka: Health advisories and alerts have been rising in recent years throughout the state. This past year alone, the state issued 32 health advisories and over 40 alerts – a record-breaking year for observed blooms.

Experts say the increasing reports may reflect a worsening problem, but some of the increase may also be driven by growing awareness of the issue. As people learn what cyanobacteria is, they can recognize it and



(Source: New Hampshire Department of Environmental Services)

report it to the state more frequently. Still, it's cause for concern.

"Our lakes are sick, and they're making us sick, too," said Andrea LaMoreaux, president of the nonprofit NH LAKES. LaMoreaux said the nonprofit has been hearing reports of people and animals getting sick if they go in the lake. Lake Kanasatka was effectively shut down to recreation for more than three weeks in each of the past two summers. When tourists learned they couldn't go in the water, some tried to cancel their plans and get their money back, Meloney said.

"It's definitely impacting our way of life. And it has huge ripple effects on our economy," LaMoreaux said.

Cyanobacteria is a priority for the nonprofit, which is tracking legislation that could help tackle the problem.

[House Bill 1042](#), for example, would require rental

properties to provide information about state health advisories to renters who might not know where to look for it.

Blooms are also being observed later and later in the season, with waters warming as a result of climate change. In the 20 years LaMoreaux has been working on lakes in New Hampshire, she's never seen blooms occur this late in the season. There were blooms being reported even in the last week of November this year.

LaMoreaux said warmer winters are part of the problem, as the time lakes are covered with ice has diminished by one to two weeks on average, allowing for a longer growing season.

Amanda McQuaid, who runs the state Harmful Algal and Cyanobacterial Bloom Program at the Department of Environmental Services, said warmer water is just one of the factors that can affect cyanobacteria.

"The warmer it gets, the more nutrients there are. The more extreme weather events, the more blooms we're going to expect to have," McQuaid said.

An extreme weather event – such as the heavy rains climate scientists predict in the Northeast – carry a lot of nutrients from the soil into lakes, and those nutrients fuel cyanobacteria growth.

Outdated septic tanks on lakefront properties that are leeching into the groundwater can also contribute to the problem. McQuaid said the pandemic has played a role



as well, as people flocked to rural lake houses that were seen as a haven. With an increase in rental properties through platforms like Airbnb, some septic systems that were designed for four people might have been getting used by eight people. 2020 was a difficult summer for lakes in New Hampshire, McQuaid said, and her department – charged with responding to more and more reports – was also understaffed.

On Lake Kanasatka, Meloney says some residents haven't updated 65-year-old septic systems.

"Chances are all it is is a 55-gallon drum in the ground and people have been using it for 60-plus years. And over time, those systems fail," he said. That failure means sewage is getting into the groundwater, and in turn flowing into the lake.

Meloney and the watershed association are doing what they can to address the problem – such as working to raise \$85,000 to create a watershed management plan. But there are limitations to what the volunteer-run association can accomplish on its own. Meloney thinks the state needs to step in to solve this problem by mandating that residents have a functional septic system.

House Bill 1066 would create a study commission to analyze the human and animal health impacts of cyanobacteria. Michelle Davis, the policy and advocacy program manager at NH LAKES, said if this bill becomes law, it would be a good chance for the

Legislature to take a more comprehensive look at addressing the problem.

Other lake associations – like the Lake Winnepesaukee Association – are concerned about the economic impact of worsening cyanobacteria blooms. A recent study found that Lake Winnepesaukee is worth more than \$17 billion to New Hampshire's economy, and \$16 billion of that worth came from property values.

Bree Rossiter, the conservation program manager of the Lake Winnepesaukee Association, said growing concern over cyanobacteria is one of the reasons the organization decided to have the economic study done.

"We're hoping that policy makers can see the importance of the lake to the entire economy of the state, and not just to the towns around Winnepesaukee," she said.

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## AMANDA GOKEE



Amanda Gokee is the New Hampshire Bulletin's energy and environment reporter. She previously reported on these issues at VTDigger. Amanda grew up in Vermont and is a graduate of Harvard University. She received her master's degree in liberal studies, with a concentration in creative writing, from Dartmouth College. Her work has also appeared in the LA Review of Books and the Valley News.

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# WARNING!

THE DIRTY DOZEN ARE CYANOBACTERIA THAT CAN CAUSE STOMACH PAINS, VOMITING, HEADACHES, FEVER, RASHES, AND IN SEVERE CASES RESPIRATORY, LIVER, AND CENTRAL NERVOUS SYSTEM FAILURE. DO NOT TOUCH.

## LAST KNOWN WHEREABOUTS SUMMER 2021:

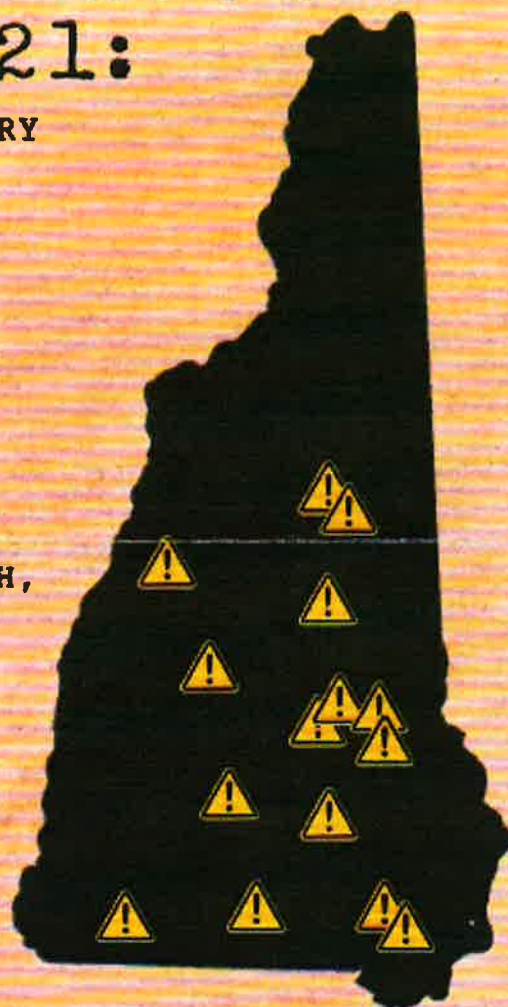
**ANABAENA/DOLICHOSPERMUM:** BOW LAKE, COUNTRY POND, DANFORTH PONDS, EASTMAN LAKE, GOVERNOR'S LAKE, GREENWOOD POND, HARVEY LAKE, HORACE LAKE, LAKE KANASATKA, LOCKE LAKE, LONG POND (PELHAM), MIRROR LAKE (TUFTONBORO), ROBINSON POND, SILVER LAKE (HOLLIS), SWAIN'S LAKE, WEBSTER LAKE

**APHANIZOMENON:** ROBINSON POND

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CYANOBACTERIA BLOOMS CAN APPEAR AND VANISH QUICKLY AND OFTEN. REPORT SIGHTINGS IMMEDIATELY.

**IF SPOTTED CALL 603.848.8094**



# HAVE YOU SEEN THE DIRTY DOZEN?



Anabaena  
(AKA ANNIE)



Aphanizomenon  
(AKA FANNIE)



Microcystis  
(AKA MIKE)



Oscillatoria  
(AKA OZZY)



Woronichinia



Coelosphaerium



Gloeotrichia



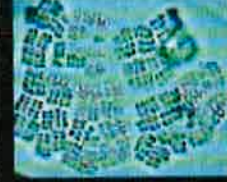
Lyngbya



Nostoc



Gloeocapsa



Merismopedia



Aphanocapsa

THIS GANG MAY LOOK DIFFERENT TO THE  
NAKED EYE AND APPEAR IN LARGE GROUPS  
WHEN IN LAKES AS SEEN BELOW.



DO NOT APPROACH  
CYANOBACTERIA TOXIC TO HUMANS & PETS

NOTIFY NH DEPT. OF ENVIRONMENTAL SERVICES  
IF SEEN HANGING OUT AT THE LAKE.



## LSPA Watershed Sub-Group Economic Report

New Hampshire is a state with many lakes and ponds that are integral to the state and local economies. There are over 1,000 lakes and ponds that are larger than 10 acres and 3,000 smaller ponds that exist throughout New Hampshire's watersheds. Past studies have shown that the four primary uses of these waters- boating, fishing, swimming and drinking water- contribute heavily to revenue through tourism and property taxes derived from properties on and around the states 'water bodies.

Economic studies that have looked at water bodies in New Hampshire, as well as other lake regions throughout the United States, have revealed a positive correlation between water quality and both local property values and the number of tourism days. A study conducted in 2002 by a team of New Hampshire environmental researchers revealed that a one meter reduction in water clarity could lead to as much as a 6% decrease in adjacent property values. The same study surveyed waterfront property owners, 98.5% of whom indicated that water clarity was very important in their decision to purchase property (1). Another study from 2007 indicates that 69% of surveyed visitors to New Hampshire fresh water sites said they would decrease their visiting days if they perceived there to be a decrease in water quality (2). A research study conducted on Lake Champlain in 2015 concluded similar findings in correlation between water clarity and home values, employment opportunities and tourist expenditures (3).

The impact of recreational fishing in New Hampshire is approximately \$215 million dollars per year. New Hampshire collected over \$6.2 million dollars in fishing licenses in 2017. This revenue, along with the estimated \$40 million dollars gained by visitors to New Hampshire freshwater state parks in 2017, will be at risk if water quality deteriorates. Additionally, providing safe drinking water is important to the public health of New Hampshire citizens. The cost of maintaining clean drinking

water will increase substantially if our watersheds continue to experience an increase in contaminants entering the water bodies (4).

Given the above data, it is clear that water quality is a strong determinant of regional economic activity. There are many stakeholders involved in maintaining the water quality of Lake Sunapee through the continuing health of the watershed.

While Lake Sunapee is still a Class A Oligotrophic lake there are worrisome trends. Increased Phosphorus levels have led to more frequent and larger Cyanobacteria blooms, conductivity has increased secondary to road salt runoff, dissolved oxygen at deep areas of the lake has decreased, and water transparency along the shoreline is worse. If these trends are not reversed the lake, and the watershed in general, will suffer economically.

The three towns bordering Lake Sunapee, New London, Newbury and Sunapee all receive a large portion of their annual tax revenue from waterfront properties. The values and percentages of the tax base coming from all waterfront properties in the three-town region of Lake Sunapee are the following\*:

	% Total Town Taxable Value	Annual Waterfront Tax Revenue
New London	37%	<b>\$7,385,924</b>
Newbury	49%	<b>\$6,152,835</b>
Sunapee	53%	<b>\$10,657,116</b>

These numbers indicate how important Lake Sunapee is to our local economy.

The negative effects of increased development and climate change, which are currently being experienced throughout the Lake Sunapee Watershed, need to be counteracted by economic investment in order to maintain the current water quality. A strong case can be made for the fact that it is much more cost efficient to maintain water quality than to allow it to degrade and then attempt restoration. A

study conducted at Lake Sebago, Maine in 2013 found that the cost of upfront efforts to protect water quality (including land conservation, stormwater control and culvert upgrades) was less than the cost of the advanced treatment needed to bring water up to drinking quality standards (5).

Some of the primary ways that investment can be targeted to improve the health of the watershed are the following:

- Improve existing stormwater ordinances to ensure that post-construction runoff does not exceed pre-construction runoff for future development projects.
- Investigate both private and public stormwater infrastructure and ensure that Best Management Practices are utilized to control erosion and the flow of pollutants into the watershed.
- Enhance septic system maintenance throughout the watershed. Encourage owners of septic systems in the watershed to regularly monitor the health of their systems as well as increasing the effort to understand the amount of phosphorus loading that comes from these systems overall.
- Support local conservation efforts, particularly in key areas of the watershed, which can reduce the impact of future development on the total amount of phosphorus that enters our local lakes and ponds.
- Identify low salt road areas where signage can be used to notify the public and continue to work with town road agents to ensure an environmentally sound approach to road maintenance.

These are just some of the ways that watershed towns, residents, businesses and recreationalists can invest in the effort to improve the health of the Lake Sunapee Watershed and ensure the future preservation of this important natural resource.

Submitted by Lisa Andrews, Marjorie Dorr, Rick Fingerioth and Susan Fine



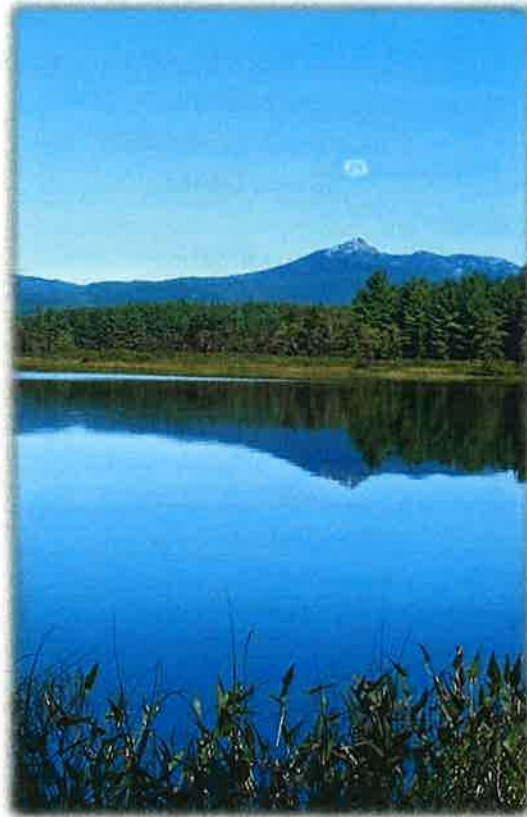
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\* Based on tax information as of November 2021 from the Tri-Town Assessor's office.

R-WD-20-08

# **New Hampshire Lake Trend Report: Status and trends of water quality indicators**



Moores Pond, Tamworth, NH



June 2020

R-WD-20-08

# **New Hampshire Lake Trend Report: Status and trends of water quality indicators**

New Hampshire Department of Environmental Services

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June 2020

## EXECUTIVE SUMMARY

New Hampshire's surface waters are vital natural resources that provide habitat for aquatic life, recreational opportunities, tourism, and economic benefits. The New Hampshire Department of Environmental Services (NHDES) is responsible for monitoring and reporting on the condition of the state's surface waters. The Water Monitoring Strategy, published by NHDES in 2016, details the agency's approach for monitoring the condition of the state's inland surface waters. One component of this strategy is to provide regular reports on the status and trends of water quality conditions.

In this report, 150 lakes and ponds contributed  $\geq 10$  years of data from 1991 to 2018 (Appendices A and B). A majority of the data were contributed by the Volunteer Lake Assessment Program (VLAP), but in some cases data from additional programs were utilized to evaluate waterbody condition. Data were analyzed to examine current conditions, long-term trends and short-term changes for individual waterbodies. Trophic class and regional trends were also examined. The findings of the analyses were as follows:

- The percentage of monitored beaches issued a fecal bacteria advisory and the number of days an advisory was in place significantly increased from 2003 to 2018.
- Chlorophyll-a concentration had no trends by trophic class; however, approximately 10% of individual waterbodies had significant decreases in both long-term and short-term analyses. Significant increases in both the short-term and long-term analyses were rare, occurring in approximately 3% of waterbodies.
- The number of cyanobacteria advisories issued increased from 2003 to 2018; however, the number of days' advisories were in place each year was highly variable with no overall trend.
- Aquatic invasive species infestations have increased from 2000 to 2018. The overall acreage of invasive infestations and herbicide use has remained constant; however, the number of times alternative controls are used, such as hand pulling, has increased.
- Long-term analyses found water clarity significantly decreased (worsened) in mesotrophic and oligotrophic waterbodies.
- Specific conductance and alkalinity significantly increased over the long-term in mesotrophic and eutrophic waterbodies. Analyses of short-term changes indicate that both parameters are rapidly shifting, as nearly 80% of investigated waterbodies had increasing specific conductance and 75% had increasing alkalinity over the past ten years. Of the waterbodies that had significant short-term increases in alkalinity, 85.5% also had significantly increasing specific conductance in the same time frame.

- Total phosphorus significantly increased over the long-term in eutrophic waterbodies, but was unchanged in mesotrophic and oligotrophic waterbodies. Individual waterbody analyses for both the long and short-term analyses indicated approximately 4% of waterbodies experienced an increase and approximately 6-7% experienced a decrease in total phosphorus.
- Long-term pH analyses did not find any significant changes by trophic class. For individual waterbodies, long-term and short-term analyses indicated pH levels have significantly increased (improved) in more than 10% and 20% of waterbodies, respectively.
- Dissolved oxygen (at one meter below the surface) decreased in approximately 15% of waterbodies over the long-term, with a significant overall decrease for mesotrophic waterbodies.
- Ice-out on lakes is occurring significantly earlier in the year.
- Water temperature (at one meter below the surface) significantly increased in mesotrophic and oligotrophic waterbodies over the long-term.

### 3.40 ADDITIONAL REQUIREMENTS

- (a) (Repealed 3/14/2006)
- (b) (Repealed 3/14/2006)
- (c) The minimum setback between structures or parking areas and water bodies shall be 50'.
- (d) Lot depth to width ratio (or width to depth) shall not exceed 4:1 unless otherwise approved by the Planning Board.
- (e) Parking for one and two-family residential units shall be as follows:
  - o One-family dwelling (up to 4 bedrooms) = 2 spaces (each additional bedroom) =
  - o ½ space//bedroom
  - o Two-family dwelling (up to 8 bedrooms) = 4 spaces (each additional bedroom) =
  - o ½ space /bedroom
  - o Total required spaces must be rounded up to nearest whole space. (Amended 3/8/2005)
- (f) Piers and Wharves shall not be subject to the fifty-foot waterfront setback.
- (g) Repealed 3/11/2014
- (h) Dormers, gables, skylights, and other roof changes shall be allowed on non-conforming structures provided that such additions are no higher than the existing predominant roof lines of the subject structure and do not extend beyond the horizontal footprint. (Adopted 3/10/1992)
- (i) The maximum height of any windowsill or roof eaves shall be no more than 30 feet above the grade directly below it. Windows or eaves located in roof appendages such as cupolas or skylights shall be excluded from this ordinance. (Adopted 3/13/2001)
- (j) Retaining walls over 42" in height must meet all of the setback requirements of the Zoning District in which they are constructed. All multi-tiered retaining walls must have a terrace whose depth is equal to or greater than the adjacent height of any wall. (Adopted 3/13/2001) (Amended 3/14/2006)
- (k) If a pre-existing structure contains enclosed living space, which projects over a non-conforming open area, the open area may be enclosed provided an application for a Certificate of Zoning Compliance has been approved. (Adopted 3/13/2001)
- (l) There shall be no construction on slopes which exceed 25%, and have an elevation change of more than 20'. Driveways, utilities, and stairways would be exempt from this requirement provided a drainage and erosion control plan is prepared by a licensed professional engineer. (Adopted 3/9/2004)
- (m) Travel Trailers, which include, but are not limited to, camper trailers, motor homes, recreational vehicles, tent trailers and truck campers, are permitted subject to the following restrictions:
  - 1) The owner of a travel trailer may store up to two (2) such trailers on his/her property in as inconspicuous a location as possible;
  - 2) A travel trailer may be used for temporary sleeping quarters for not more than 90 days per 12-month period unless a Certificate of Compliance is issued. Sewage disposal must be in compliance with New Hampshire Water Supply and Pollution Control regulations or approved by the Sunapee Water and Sewer Department if on municipal sewer;
  - 3) All travel trailers used for temporary sleeping quarters must be in compliance with all other provisions of this ordinance including building setbacks;
  - 4) If three (3) or more travel trailers are to be placed on an individual lot and used as sleeping quarters, a Site Plan Review approval must be granted by the Planning Board. (Adopted 3/9/2004)
- (n) An erosion control plan per the specifications in Section 4.33(B)(8)(a)(I) must be submitted to the Zoning Administrator prior to any new construction exceeding 1000 square feet of land disturbance occurs on slopes greater than 15%. An erosion control plan prepared by a licensed

professional engineer must be submitted to the Zoning Administrator prior to any land clearing in excess of 100,000 square feet. (Amended 3/8/2011)

- (o) For all new construction projects in the Rural-Residential, Rural Lands Districts, and Mixed-Use III, the existing 25' vegetative buffer extending back from the state rights-of-way of Route 11, Route 103, and Route 103B shall be preserved. If no vegetation currently exists, then new plantings will be required, which shall include both trees and evergreen shrubs. Plantings preferably will be grouped, not evenly spaced and shall be located or trimmed to avoid blocking egress visibility. Driveways are exempt from this requirement. (Amended 3/10/2020)

### **3.50 SPECIAL EXCEPTIONS**

- (a) A boat house may be granted an exemption from the water setback requirements, provided that:
  - (1) it has the approval of the Conservation Commission and a permit from the Wetlands Board; and NH DES. (Amended 3/10/2009)
  - (2) the structure is a restoration or replacement of an existing boathouse.
  - (3) it is to be solely for boat and boating accessory storage (such as oars, life jackets, and fishing gear);
  - (4) its completed height is limited to one story, or as high as necessary to elevate the boat for winter storage. (Amended 3/9/1993)
- (b) The ZBA may allow a lesser front setback provided that all of the following conditions are met:
  - (1) the lot for which the lesser front setback is requested is a pre-existing lot and non-conforming due to lot size;
  - (2) the majority of lots on the same side of the road and within 500' of both sides of the subject lot have structures of equal or greater type which do not meet front setback requirements (the hierarchy of structures from greater to less is house>garage>shed); (Amended 3/14/2017)
  - (3) the proposed structure for which the Special Exception is being sought shall be no closer to the centerline of road right-of-way than any other structure of equal or greater type used in the comparison in Paragraph (2), above;
  - (4) the proposed structure shall be no closer than 10' to the right-of-way line of the road and;
  - (5) the portion of the proposed structure encroaching on the front setback shall be no higher than 25'. (amended 3/11/2008)
- (c) (Repealed 3/11/2008)
- (d) (Repealed 3/12/1996)
- (e) (Repealed 3/14/2006)
- (f) If a pre-existing primary structure is non-conforming due to inadequate front setback, the ZBA may allow additions within the front setback provided that the following conditions are met:
  - 1) the addition does not further decrease the front setback
  - 2) the addition is at least 10' from the right-of-way at all points
  - 3) the addition is no higher than the predominant ridge line of the existing building. (Amended 3/12/2019)
- (g) The setback for fences five feet high and over may be reduced to a minimum of two (2) feet from property lines if, in the judgment of the ZBA, such will not adversely affect neighboring properties. (Amended 3/10/1992)
- (h) The ZBA may allow a fence over 5 feet in height (measured from ground level) to be placed on a property boundary line provided that:
  - (1) the landowners of the properties for which the fence is providing a boundary apply as co-applicants to the ZBA;

#### **4.20 PROHIBITED USES**

Any use not specifically permitted is prohibited. (Amended 3/14/2000)

#### **4.30 OVERLAY DISTRICT USES.**

**4.31 Wetlands - Permitted Uses** - Permitted uses are those which will not require the erection or construction of any structures or buildings, will not alter the natural surface configuration by the addition of fill or by dredging; and uses that are otherwise permitted by the Zoning Ordinance. Such permitted uses include the following:

- (1) Forestry – tree farming using best management practices in order to protect streams from damage and prevent sedimentation;
- (2) Cultivation and Harvesting of crops according to recognized soil conservation practices including the protection of the Wetlands from pollution caused by fertilizers, pesticides and herbicides used in such cultivation;
- (3) Wildlife and Refuges;
- (4) Parks and Recreation Uses consistent with the purpose and intent of this ordinance;
- (5) Conservation Areas and Nature Trails;
- (6) Open Spaces as permitted or required by the Subdivision Regulations or the Zoning Ordinance;
- (7) Wetlands Use not consistent with the above are prohibited;
- (8) The following uses provided the applicant provides approvals from the Wetlands Board, USDA Natural Resources Conservation Service and Sunapee Conservation Commission to the Zoning Administrator
  - (a) Streets, roads and other access ways and utility right-of-way easements, including power lines and pipe lines, if so located and constructed as to minimize any detrimental impact of such uses upon the Wetland;
  - (b) Water Impoundments;
  - (c) The undertaking of a use not otherwise permitted in the Wetlands District, if it can be shown that such proposed use will not require the erection or construction of any structures or buildings and will not alter the surface configuration by the addition of fill or by dredging.

**4.32 Aquifers** - Landfills, dumps and use that would use, store or handle hazardous materials, salt storage and intensive coverage are prohibited. Lots shall not be less than 2 acres. Maximum coverage shall not exceed 20%. Drainage, erosion, vegetation, etc., shall be maintained to insure non-contamination, yet insure proper aquifer recharge.

#### **4.33 Shorelines - Specific Provisions**

- (A) Prohibited Uses:**
- (1) Salt Storage Sheds
  - (2) Junk Yards
  - (3) Solid or Hazardous Waste Facilities, and
  - (4) Fertilizer, except for lime



**(B)**

- (1) Docks for boating and swimming facilities are permitted subject to required State permits and standards. (Amended 03/08/2016)
- (2) A proposal for noncommercial use of water related structures, commercial use of water related structures, condominium docking facility or marina accommodating more than eight (8) boats provided it is permitted in the underlying use district, shall be subject to Site Plan Review by the Planning Board and shall be subject to the following minimum standards:
  - (a) All construction in or on ponds over ten (10) acres and other waters of the State requires a permit from the New Hampshire Wetlands Board and DES. (Amended 3/10/2009)
  - (b) A noncommercial use of water related structures, commercial use of water related structures, condominium docking facility or marina accommodating more than eight (8) boats shall contain a minimum lot area of one acre plus 3,000 square feet per boat slip or dry storage space to be used during the boating season.
  - (c) If winter boat storage is proposed, the plan shall include a design for winter boat storage facilities.
  - (d) Parking shall be provided at the rate of one space for each boat slip and for each dry storage space, except for those spaces used exclusively for winter storage.
  - (e) Toilet facilities, approved by the New Hampshire Water Supply and Pollution Control Division of the Department of Environmental Services, shall be provided.
  - (f) A pumping facility for the removal of holding tank waste shall be provided. The facility shall meet all standards established by the New Hampshire Water Supply and Pollution Control Division of the Department of Environmental Services and any other applicable State regulations. This requirement may be waived by the Planning Board during the Site Plan Review process. (Amended 3/10/1992)
  - (g) Boating areas shall, wherever possible, be isolated from the swimming areas. Where isolation is not possible, and a boating area is allowed adjacent to a beach area, it shall be separated from the swimming area by appropriate safety devices and adequately signed.
- (3) The traveled portion of the road shall be set back a minimum of seventy-five (75) feet from normal high water except for driveways and parking areas which shall be set back fifty (50) feet and bridges and bridge approaches and access ways for firefighting equipment and boat launching which shall have no setbacks. All roads shall be constructed in accordance with an erosion and sedimentation control plan approved by the Planning Board which meets the requirements of Section 8.
- (4) Beach and dock construction may be permitted in accordance with the requirements set forth herein. In addition, all alterations of the shoreline require a permit from the New Hampshire Wetlands Board as set forth in RSA 483-A and 483-B-1. (Amended 3/10/2009) The Conservation Commission shall review all permit applications submitted to the Wetlands Board and shall recommend approval, disapproval, or take no action. (Amended 3/14/2017)
- 5) Lots within the Shoreline Overlay District shall not be used as common areas for waterfront access to other lots in a development, regardless of the location of such lots, unless approved by the Planning Board in accordance with the Standards and Criteria set forth in the various Land Use Ordinances. (Amended 3/14/2006)

- (6) Rights to gain access to a water body by or through a Shore land lot shall not be created or attached to any real estate. Waterfront access shall be gained only in accordance with the standards set forth below and subject to Planning Board approval.
- (7) Specific Provisions for Residential Development with Waterfront Access:
  - (a) All residential development with shore frontage or rights of access to
    - (I) shore frontage shall meet the following minimum requirements: Each dwelling unit with direct water access and whole shore frontage as part of the lot dimensions shall have a minimum shore frontage of two hundred (200) feet.
    - (II) New lots within the Shoreline Overlay District which are dependent on subsurface sewage disposal systems shall be at least 150' in width at all points.
  - (b) Lots within the Shoreline Overlay District used as common waterfront areas or for the purpose of waterfront access shall meet the following minimum criteria:
    - (I) The shore front common area shall contain a minimum of two (2) acres;
    - (II) The shore front common area shall have a minimum of two hundred (200) feet of shore frontage for the first dwelling unit or member having a right of use, and an additional fifty (50) feet of shore frontage for each additional dwelling unit or member;
    - (III) No building shall be permitted other than toilet and changing facilities, unless approved by the Planning Board;
    - (IV) The minimum number of vehicular parking places provided at the waterfront development area shall be equal to the number of dwelling units in the subdivision, development or lodging facility;
    - (V) Toilet facilities, approved by the New Hampshire Water Supply and Pollution Control Division of the Department of Environmental Services shall be provided.
  - (c) Any use of a common area or area or access for business or commercial purposes shall be subject to the provisions of Site Plan Review.
  - (d) The frontage requirements of 7(a), and 7(b)(ii) above may be reduced by the ZBA if a zone bounded by a high-water line is dedicated and maintained in its natural state and if such modification is consistent with the intent of the ordinance.
  - (e) All common property located within the Shoreline Overlay District shall meet all provisions of the Shore land Protection Act (RSA 483-B-1) (Amended 3/10/2009)
- (8) **Erosion Control**
  - (a) **Construction**
    - (I) Erosion and sedimentation control plans shall be required for all construction, filling, grading, dredging, and other activities requiring land disturbance within the Shoreline Overlay District. The erosion control plan shall incorporate the design standards from the most current version of the New Hampshire Stormwater Manual, a copy of which is on file in the Planning/Zoning Office. In accordance with these standards, new structures shall be designed to prevent runoff over exposed mineral soil. (Amended 3/09/2021)
    - (II) For minor land disturbances such as utility line or stairway construction and disturbed areas of one hundred (100) sq. ft. or less, the Board of Selectmen may reduce the amount of detail needed in an erosion control plan. The Board of Selectmen shall review and decide to approve or deny

all plans before issuing a Certificate of Compliance and may require the applicant to post a bond or other security to assure conformance with approved plans. The security shall not be released until the Board of Selectmen has certified completion of the required improvements in accordance with the plan. The Board of Selectmen may request that the Conservation Commission review the plan and make recommendations.

- (III) Erosion and sedimentation control plans shall describe the nature and purpose of the land disturbing activity, topography, vegetation, and drainage. Erosion and sedimentation control plans shall be developed in conformity with guidelines of the U.S.D.A. Soil Conservation Service and with guidelines of the N.H. Water Supply and Pollution Control Division of the Department of Environmental Services under RSA 149:8-A. Erosion control measures shall be installed before construction and grading if possible.

- (b) **Cutting and Removal of Natural Vegetation within the Natural Woodland Buffer** - The preservation of natural vegetation on the shore land is important for the protection of the water quality of lakes and ponds, and the control of erosion. Dead and living trees that provide dens and nesting places for wildlife are encouraged to be preserved and planting efforts that are beneficial to wildlife are also encouraged. The Natural Woodland Buffer shall be defined as the area within 150' of Normal High-water.

- (I) A cutting and clearing plan shall be subject to the approval of the Planning Board for the following:

- (1) Cutting within the Natural Woodland Buffer of more than five (5) trees having a diameter of six (6) inches or more at a point 4.5 feet above the existing ground in any 12-month period. Trees that are determined by an arborist, forester, or Selectman's agent to be dead, diseased, or dying are exempt from this requirement provided this determination is filed with the Selectmen's agent. (Amended 3/10/2020)
- (2) Removal of large areas of vegetation (over one thousand [1000] square feet) within the Natural Woodland buffer in any calendar year. (Amended 3/10/2020)

The Board of Selectmen or their Agent shall review and approve the cutting of all trees having a diameter of six (6) inches or more. Trees that are determined by an arborist, forester, or Selectman's agent to be dead, diseased, or dying are exempt from this requirement provided this determination is filed with the Selectmen's agent. (Amended 3/10/2020)

In addition, on ponds, lakes or rivers, any cutting, or removal of natural vegetation must be by permit from DES.

- (II) (Repealed 3/12/1996)




# Map 8

## Annual Land-Based Phosphorus Loading Per Subwatershed

### Current Condition

#### Phosphorus Yield CC

kg/hectare

	<0.10
	0.10 - 0.15
	>0.15

#### Conversions:

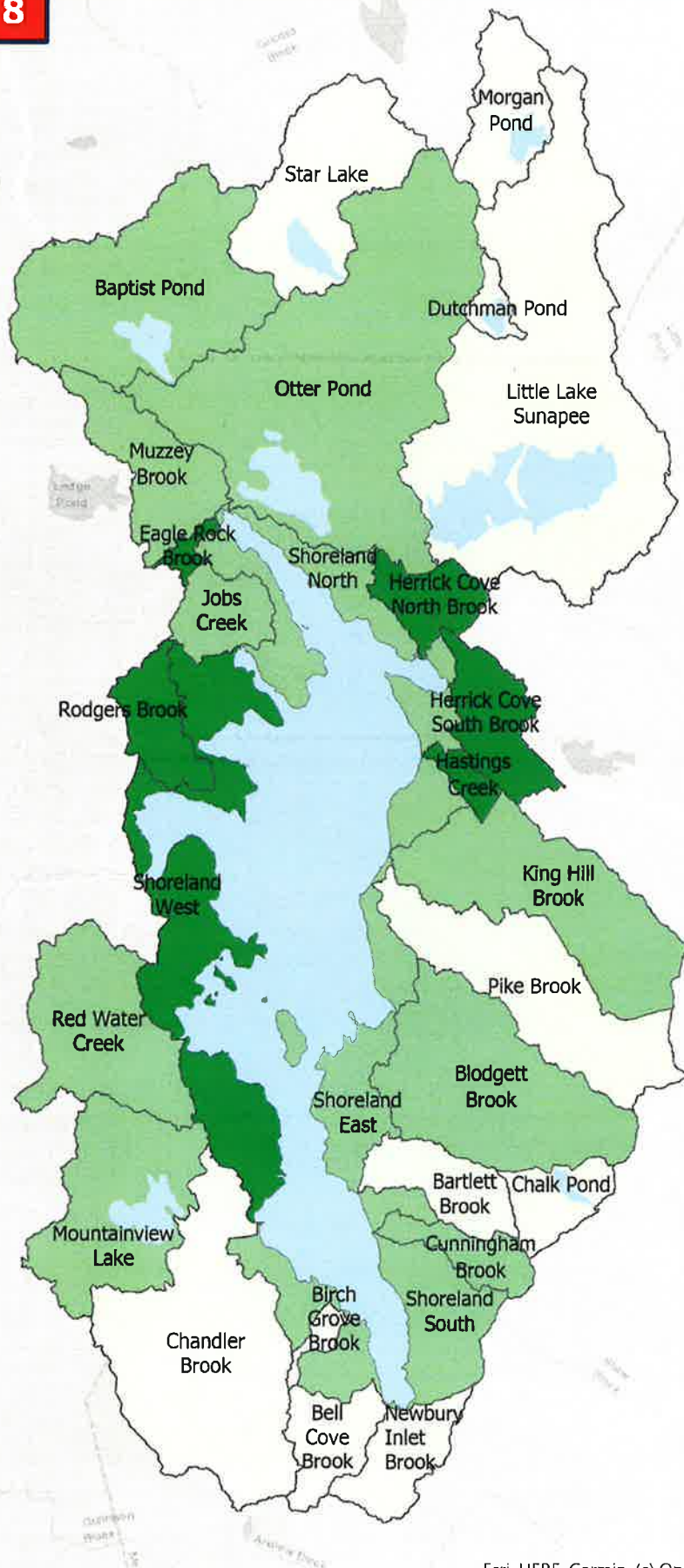
1 kg = 2.2 pounds  
1 hectare = 2.5 acres



0 0.5 1 2 Miles

#### NOTES:

Data Sources - NH GRANIT LIDAR  
Projection - NH State Plane Feet



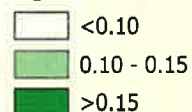


**Map 12**

## Annual Land-Based Phosphorus Loading Per Subwatershed

### 10-Year Buildout

Phosphorus Yield 10Y  
kg/hectare



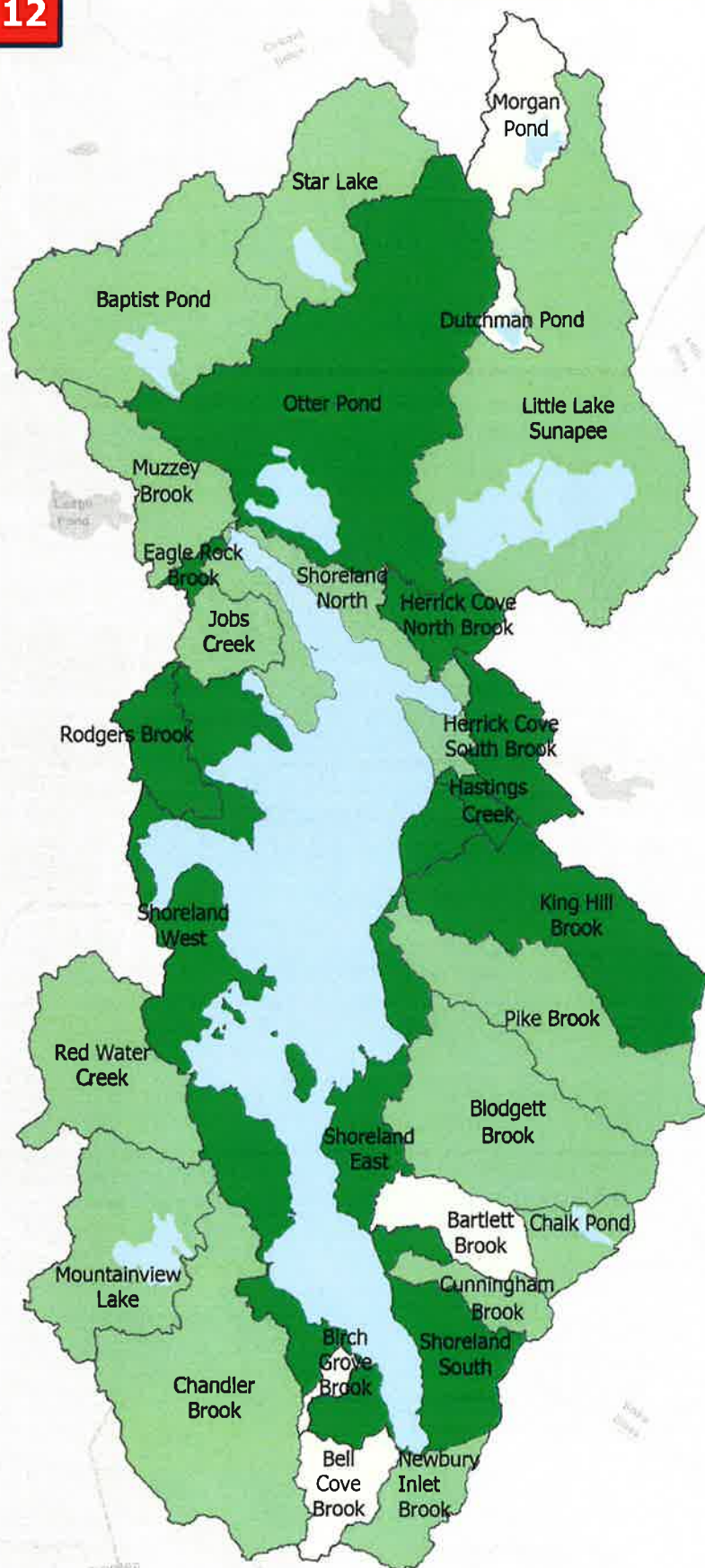
**Conversions:**

1 kg = 2.2 pounds  
1 hectare = 2.5 acres



**NOTES:**

Data Sources - NH GRANIT LIDAR  
Projection - NH State Plane Feet

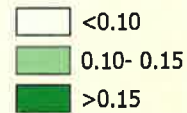


# Map 13

## Annual Land-Based Phosphorus Loading Per Subwatershed

### Full Buildout

Phosphorus Yield FB  
kg/hectare



#### Conversions:

1 kg = 2.2 pounds  
1 hectare = 2.5 acres



#### NOTES:

Data Sources - NH GRANIT LIDAR  
Projection - NH State Plane Feet





### ***Let's Be Clear that . . .***

- The water quality of NH lakes, ponds and streams is in decline; we should all be very concerned
- Runoff carrying contaminants degrades water quality and leads to algae and cyanobacteria blooms
- There are ways to reverse this trend by choosing personal actions to protect water quality
- Inaction would be devastating to our natural resources and our entire local economy.

### ***The primary causes of water quality decline are:***

- Nutrients in fertilizers and cleaning products, such as Phosphorus, that runoff into waterbodies
- Erosion of soil into waterways from land disturbances and construction activities which is further exacerbated by missing or malfunctioning erosion control barriers
- Seepage from septic systems that have not been properly maintained
- Salt used to melt ice on our roads and walkways
- Increased water permeable surfaces, such as pavement
- Reduction of trees, shrubs and other vegetation.

### ***What can an individual do to help?***

- Test your soil before applying any fertilizer, switch to phosphorus-free products, or eliminate their use
- Use safe alternatives to pesticides and herbicides
- Follow state and local building and tree cutting regulations; obtain and adhere to all required permits
- Maintain your septic system and have it routinely pumped and inspected
- Don't feed the waterfowl
- Use less salt or alternatives on your driveway and walkways
- Plant/maintain trees and shrubs along shorelines and reduce large lawns
- Minimize use of dock de-icers by utilizing timers and thermostats
- Make your voice heard!





## **Default Budget FAQ September 2018**

Up until recently, the law provided that in Official Ballot Referendum (“SB 2”) towns, the default budget is “the amount of the same appropriations as contained in the operating budget authorized for the previous year, reduced and increased, as the case may be, by debt service, contracts, and other obligations previously incurred or mandated by law, and reduced by one-time expenditures contained in the operating budget.” RSA 40:13, IX (b). The statute went on to define “one-time expenditures” as “appropriations not likely to recur in the succeeding budget, as determined by the governing body.”

This sounds simple enough: the default budget is supposed to be the same budget as last year, with certain amounts added or increased as required by the statute. However, terms such as “contracts previously incurred by law” or what really constitutes an expense “not likely to recur” created ambiguity when calculating the default budget. Indeed, in some towns and districts, tensions rose when the default budget frequently exceeded the proposed operating budget for a given year.

As a result, several amendments were made to RSA 40:13 in 2018. This Q&A looks at the law in its new form and provides suggestions for handling your default budget going forward.

### ***What changed in 2018?***

In a nutshell, between House Bill 1307 and Senate Bill 342, the Legislature revised the definition of “default budget,” created more specific requirements for what may and may not be included in the default budget, and mandated new notice and transparency requirements.

### ***How will our calculation of the default budget change with these new amendments?***

Calculation of the default budget still starts with last year’s budget; the question is which amounts must be taken out, and which amounts that were not included in last year’s budget can be added. As stated above, last year’s budget must be reduced or increased “by debt service, contracts, and other obligations previously incurred or mandated by law, and reduced by one-time expenditures contained in the operating budget.” RSA 40:13, IX (b). Some of this is easy. For example, an



obligation “mandated by law” would be something like the county tax, which municipalities are obligated to pay.

***What amounts must be taken out of last year’s budget?***

Even prior to the 2018 amendments, RSA 40:13, IX(b) required last year’s budget to be *reduced* by one-time expenditures. The amendments now also require the budget to be reduced by “by salaries and benefits of positions that have been eliminated in the proposed budget.”

***What is a one-time expenditure?***

“One-time expenditures” are “appropriations not likely to recur in the succeeding budget, as determined by the governing body.” For example, let’s say the town included money in the maintenance line of last year’s operating budget to install new windows in the town hall. Since the window installation was a discrete project that occurred last year, and not something to recur annually (i.e., the town hall doesn’t get new windows every year!), that amount constitutes a one-time expenditure that must be taken out to calculate the default budget.

***What employment positions are “eliminated” and must come out of the default budget?***

As stated above, the statute now requires last year’s budget to be reduced “by salaries and benefits of positions that have been eliminated in the proposed budget.” It goes on to say that “eliminated positions shall not include vacant positions under recruitment or positions redefined in the proposed operating budget.” So, let’s say your town had an Assistant Public Works Director who retired, and a decision has been made that the position would not be filled—essentially, the position was discontinued when that employee retired. The amount of money in last year’s operating budget that represents the salary, benefits, and costs associated with that position would not be included in the upcoming year’s default budget.

However, if the town intended to fill the Assistant Public Works Director position, but it was just vacant while a search was conducted, the amount of money associated with that position would be included in the default budget.

***What about multi-year contracts? More specifically, if the governing body signs a multi-year contract, does the amount for each year automatically get included in the default budget?***

HB 1307 also added new subparagraph (c) to RSA 40:13, IX to define the term “contracts” in the default budget definition. This amendment addressed one of the most hotly-debated questions related to the default budget—when the governing body enters into a multi-year contract, can the costs associated with the contract automatically be included in next year’s proposed operating budget *and* next year’s default budget?

This new amendment specifically states that the term “contracts” means “contracts previously approved, in the amount so approved, by the legislative body in either the operating budget authorized for the previous year or in a separate warrant article for a previous year.”

The easiest way to conceptualize this is to put the definition into context.

Take, for example, a waste-hauling contract renewal for a term of three years that the select board signed. Assume the annual amount increases by 10% in year two and 15% in year three. A warrant article could be presented to the voters asking for approval of the entire three-year term, which would include: (1) the purpose of the contract; (2) the term of the contract; (3) the amount to be spent for each year of the contract; and (4) the total amount to be spent over the term of the contract. If that warrant article for the hauling contract is approved, then the three-year hauling contract is a contract “previously approved, in the amount so approved by the legislative body . . . in a separate warrant article.” In the subsequent years’ default budgets, the full amounts (with the increases) may be included in the default budget.

On the other hand, the definition also says that a contract may be approved in the operating budget for the previous year. Look at the hauling agreement again and assume the select board did not present the agreement to the voters in a separate warrant article, but as an appropriation for the purpose of paying the hauling contract included in a line item in the operating budget. In that case, when calculating next year’s default budget, the same amount that was included last year for the hauling contract will be included in the default budget—not the increased amount in the contract.

***What are the risks associated with putting the full term of the contract to the voters in a separate warrant article?***

The most obvious risk is triggering “no means no.” The voters could vote down the separate warrant article to approve the multi-year agreement and appropriations. When a separate article containing an appropriation is rejected by the voters, it generally means that no money can be spent on the purpose stated in that warrant article. In this context, the voters’ rejection of this article may bring up difficult questions: Have the voters rejected spending any money at all on a hauling contract? Or have they simply rejected the increased amounts in future years? A well-crafted warrant article may help reduce these risks, should the voters reject the article, so that the purpose of spending (e.g., spending any money on waste hauling) is not prohibited by a “no” vote on the article.

***What are the risks associated with putting the amount in the operating budget?***

There is nothing wrong with this approach—and since there are many types of multi-year agreements signed by the select board, this is often the most efficacious approach—but it does mean that the default budget cannot include the increases that the select board may be on the hook to pay; the budget includes only the same “base” amount as included last year. Let’s go back to the hauling contract: Assume the 2017 budget contained \$100,000 for waste hauling. At the end of 2017, the select board signed a renewal for a contract period of three years: \$105,000 for 2018; \$108,000 for 2019, and \$110,000 for 2020.

What amount goes into the 2018 default budget? The answer, based on the new definition of “contracts,” is \$100,000. The reason? The 2018 default budget is based on the 2017 operating budget, and the 2017 budget contained \$100,000. Therefore, the voters approved the amount of \$100,000 for waste hauling. The default budget should contain \$100,000 and not \$105,000, but your proposed operating budget should contain \$105,000. Don’t panic—keep reading!

***But WAIT! Are you saying we're prohibited from paying the annual increases in multi-year agreements signed by the select board? What about salary increases included in an employment contract?***

Absolutely not! Remember that the select board has the authority to spend money and the authority to transfer funds from one purpose to another. This authority applies to a default budget as well as an approved proposed operating budget—both are bottom line budgets.

Let's go back to the hauling contract in the question above, where the select board did not submit the contract to the voters in a separate warrant article, and where the 2017 budget contained \$100,000 for waste hauling. We said that the 2018 default budget can contain only the \$100,000—as approved in last year's operating budget—not the \$105,000 contained in the new contract signed by the select board. But the select board can still pay \$105,000 for waste hauling in 2018, even if the town ends up with the default budget. This is because the budget—whether an adopted operating budget or a default budget—is a bottom line budget, and the select board has the authority to transfer from line to line. The board must find the additional \$5,000 elsewhere in the budget. This, of course, means that another area of the budget may suffer, but this is part of the reality of being in a default budget year.

The same rules apply to employment contracts that contain annual salary increases, which is another commonly-debated issue with default budgets. Take, for example, an employee whose salary plus benefits in the 2017 budget was \$100,000 (with a \$50,000 salary). But let's say the select board had also entered into an agreement to pay this employee a 10% increase in the subsequent year. For the 2018 default budget, the board cannot include \$105,000 (\$55,000 increased salary plus benefits); it can put in just the \$100,000 approved by the legislative body in the 2017 budget. That doesn't mean the \$55,000 salary can't be *paid* to the employee—but it does mean that the board will need to move money around to “find” that extra \$5,000. Of course, just like any other multi-year agreement, the select board could ask the voters to approve the full term of the employee's contract, including the pay increases, in which case the pay increases would be included in the default budget.

In fact, while these amendments to RSA 40:13 were pending in the legislature, a judge in the Hillsborough Superior Court, Northern District, found that annual salary increases included in an employment contract, entered into between a town employee and the select board, could not be included in future years' default budgets. *Neal Kurk v. Thomas Clow, et. al*, Docket No. 261-2018-CV-00086. The select board had put into the default budget about \$60,000 worth of salary increases. These increases were the result of various agreements between the board and certain employees. Neither the contracts nor the amounts in the contracts (i.e., the annual increases above and beyond the salary amounts in last year's budget) had been approved by vote of the legislative body. The judge determined that because the appropriations in the contract were not previously approved by the voters, these amounts did not constitute “contracts . . . previously incurred by law.” HB 1307 confirms that ruling by requiring that the amount of money in a contract must be previously approved by the voters through the annual meeting budget process to be included in the default budget.

Although this order came out before the current amendments went into effect, we believe the case represents the intent behind the amendment—that it was targeted at preventing the “unapproved increases” from being put into the default budget by clarifying that contracts must be approved by the legislative body for those amounts may automatically be included in the default budget.

Of course, approved collective bargaining agreements, and the cost increases included therein, are always included in the default budget because those contracts are approved by the voters separately.

***Is our default budget per se incorrect if it's more than the proposed operating budget?***

No. SB 342 finally settles the question whether the default budget may be higher than the proposed operating budget by amending RSA 40:13, IX(b):

In calculating the default budget amount, the governing body shall follow the statutory formula which may result in a higher or lower amount than the proposed operating budget.

Therefore, as long as the default budget is calculated correctly, it is not “wrong” because it is higher than the proposed operating budget for the year.

***What additional disclosure to the public is required?***

HB 342 amplifies the notice requirements for the default budget. Adding onto the long-standing requirement that the default budget be disclosed at the first budget hearing, RSA 40:13, XI(a), as amended, further explains the default budget must be “presented for questions and discussion at that hearing,” although many towns and districts already do this. The form used for presenting the default budget must now include the “specific items that constitute a change by account code, and the reasons for each change,” as well as “reductions for eliminated positions and benefits.” Towns and districts will be required to make the “line item details” for these changes available for inspection by the voters.

***Since the default budget cannot be amended by the voters, is it “off limits” for discussion at the deliberative session?***

HB 1307 has clarified the default budget’s role at the deliberative session. RSA 40:13, IV will now expressly permit voters to discuss and debate the default budget, along with other articles on the warrant. That being said, RSA 40:13, XI(b) still prohibits the voters from *amending* the default budget at the deliberative session.

## **TITLE III TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES**

### **Chapter 32 MUNICIPAL BUDGET LAW**

#### **Section 32:1**

**32:1 Statement of Purpose.** – The purpose of this chapter is to clarify the law as it existed under former RSA 32. A town or district may establish a municipal budget committee to assist its voters in the prudent appropriation of public funds. The budget committee, in those municipalities which establish one, is intended to have budgetary authority analogous to that of a legislative appropriations committee. It is the legislature's further purpose to establish uniformity in the manner of appropriating and spending public funds in all municipal subdivisions to which this chapter applies, including those towns, school districts and village districts which do not operate with budget committees, and have not before had much statutory guidance.

**Source.** 1993, 332:1, eff. Aug. 28, 1993.

#### **Section 32:2**

**32:2 Application.** – RSA 32:1-13, shall apply to all towns, school districts, cooperative school districts, village districts, municipal economic development and revitalization districts created under RSA 162-K, and any other municipal entities, including those created pursuant to RSA 53-A or 53-B, which adopt their budgets at an annual meeting of their voters, except RSA 32:5-b, which shall apply only in those towns or districts adopting that section pursuant to RSA 32:5-c. RSA 32:14-23, concerning budget committees, shall apply only in those towns or districts adopting that subdivision pursuant to RSA 32:14, I, and shall apply automatically in school districts or village districts located wholly within towns adopting that subdivision.

**Source.** 1993, 332:1, eff. Aug. 28, 1993. 2011, 234:5, eff. July 5, 2011. 2012, 186:3, eff. June 11, 2012.

#### **Section 32:3**

##### **32:3 Definitions. –**

In this chapter:

I. "Appropriate" means to set apart from the public revenue of a municipality a certain sum for a specified purpose and to authorize the expenditure of that sum for that purpose.

II. "Appropriation" means an amount of money appropriated for a specified purpose by the legislative body.

III. "Budget" means a statement of recommended appropriations and anticipated revenues, prepared according to rules adopted by the commissioner of revenue administration under RSA 541-A, submitted to the legislative body by the budget committee, or the governing body if there is no budget committee, as an attachment to, and as part of the warrant for, an annual or special meeting.

IV. "District" includes a school district, cooperative school district, village district, district created pursuant to RSA 53-A or 53-B, or municipal economic development and revitalization district created pursuant to RSA 162-K.

V. "Purpose" means a goal or aim to be accomplished through the expenditure of public funds. In addition, as used in RSA 32:8 and RSA 32:10, I(e), concerning the limitation on expenditures, a line on the budget form posted with the warrant, or form submitted to the department of revenue administration, or an appropriation contained in a special warrant article, shall be considered a single "purpose."

VI. "Special warrant article" means any article in the warrant for an annual or special meeting which proposes an appropriation by the meeting and which:

(a) Is submitted by petition; or

(b) Calls for an appropriation of an amount to be raised by the issuance of bonds or notes pursuant to RSA 33; or

(c) Calls for an appropriation to or from a separate fund created pursuant to statute, including but not limited to a capital reserve fund under RSA 35, or trust fund under RSA 31:19-a; or

(d) Is designated in the warrant, by the governing body, as a special warrant article, or as a nonlapsing or nontransferable appropriation; or

(e) Calls for an appropriation of an amount for a capital project under RSA 32:7-a.

VII. "Sub-account" means an optional level of accounting, one or more levels below the account level. Sub-accounts may be used to budget and track expenses when several different activities are funded by the same account. Sub-accounts may be created by the town or district under the authority of the budget committee, or the governing body if there is no budget committee, but must support the numbering classification system established in the uniform chart of accounts as established by the department of revenue administration in accordance with RSA 21-J:13, IV. Nothing in this chapter shall require the disclosure of any information or data restricted from disclosure by any other statute.

VIII. "Uniform chart of accounts" means a consistent system of accounts used to categorize revenues, expenditures, assets, liabilities, and equity. It identifies the account titles, descriptions, and numbering classification system established by the department of revenue pursuant to RSA 21-J:13, IV. It provides the framework to budget, record, and report financial data logically and provide a robust basis for reporting on the results.

**Source.** 1993, 332:1, eff. Aug. 28, 1993. 1996, 214:1, eff. Aug. 9, 1996. 2003, 95:1, eff. Aug. 5, 2003. 2012, 181:1, eff. Aug. 10, 2012; 186:4, eff. June 11, 2012. 2013, 109:1, eff. Aug. 23, 2013. 2021, 134:1, 2, eff. Sept. 21, 2021.

## Preparation of Budgets

### Section 32:4

**32:4 Estimate of Expenditures and Revenues.** – All municipal officers, administrative officials and department heads, including officers of such self-sustaining departments as water, sewer, and electric departments, shall prepare statements of estimated expenditures and revenues for the ensuing fiscal year, and shall submit such statements to their respective governing bodies, at such times and in such detail as the governing body may require.

**Source.** 1993, 332:1, eff. Aug. 28, 1993.

### Section 32:5



**32:5 Budget Preparation. –**

I. The governing body, or the budget committee if there is one, shall hold at least one public hearing on each budget, not later than 25 days before each annual or special meeting, public notice of which shall be given at least 7 days in advance, and after the conclusion of public testimony shall finalize the budget to be submitted to the legislative body. If a town or district uses sub-accounts to budget or track financial data it shall make that data available for public inspection at the public hearing. One or more supplemental public hearings may be held at any time before the annual or special meeting, subject to the 7-day notice requirement. If the first hearing or any supplemental hearing is recessed to a later date or time, additional notice shall not be required for a supplemental session if the date, time, and place of the supplemental session are made known at the original hearing. Public hearings on bonds and notes in excess of \$100,000 shall be held in accordance with RSA 33:8-a, I. Days shall be counted in accordance with RSA 21:35.

II. All purposes and amounts of appropriations to be included in the budget or special warrant articles shall be disclosed or discussed at the final hearing. The governing body or budget committee shall not thereafter insert, in any budget column or special warrant article, an additional amount or purpose of appropriation which was not disclosed or discussed at that hearing, without first holding one or more public hearings on supplemental budget requests for town or district expenditures.

III. All appropriations recommended shall be stipulated on a "gross" basis, showing anticipated revenues from all sources, including grants, gifts, bequests, and bond issues, which shall be shown as offsetting revenues to appropriations affected. The budget shall be prepared according to rules adopted by the commissioner of revenue administration under RSA 541-A, relative to the required forms and information to be submitted for recommended appropriations and anticipated revenues for each town or district.

IV. Budget forms for the annual meeting shall include, in the section showing recommended appropriations, comparative columns indicating at least the following information:

(a) Appropriations voted by the previous annual meeting.

(b) Actual expenditures made pursuant to those appropriations, or in those towns and districts which hold annual meetings prior to the close of the current fiscal year, actual expenditures for the most recently completed fiscal year.

(c) All appropriations, including appropriations contained in special warrant articles, recommended by the governing body.

(d) If there is a budget committee, all the appropriations, including appropriations contained in special warrant articles, recommended by the budget committee.

V. When any purpose of appropriation, submitted by a governing body or by petition, appears in the warrant as part of a special warrant article:

(a) The article shall contain a notation of whether or not that appropriation is recommended by the governing body, and, if there is a budget committee, a notation of whether or not it is recommended by the budget committee;

(b) If the article is amended at the first session of the meeting in an official ballot referendum municipality, the governing body and the budget committee, if one exists, may revise its recommendation on the amended version of the special warrant article and the revised recommendation shall appear on the ballot for the second session of the meeting provided, however, that the 10 percent limitation on expenditures provided for in RSA 32:18 shall be calculated based upon the initial recommendations of the budget committee;

(c) Defects or deficiencies in these notations shall not affect the legal validity of any appropriation otherwise lawfully made; and

(d) All appropriations made under special warrant articles shall be subject to the hearing requirements of paragraphs I and II of this section.

V-a. The legislative body of any town, school district, or village district may vote to require that all votes by an advisory budget committee, a town, school district, or village district budget committee, and the governing body or, in towns, school districts, or village districts without a budget committee, all votes of the governing body relative to budget items or any warrant articles shall be recorded votes and the numerical tally of any such vote shall be printed in the town, school district, or village district warrant next to the affected warrant article. Unless the legislative body has voted otherwise, if a town or school district has not voted to require such tallies to be printed in the town or school district warrant next to the affected warrant article, the governing body or the budget committee adopted under RSA 32:14 may, on its own initiative, require that the tallies of its votes be printed next to the affected article.

V-b. Any town may vote to require that the annual budget and all special warrant articles having a tax impact, as determined by the governing body, shall contain a notation stating the estimated tax impact of the article. The determination of the estimated tax impact shall be subject to approval by the governing body.

VI. Upon completion of the budgets, an original of each budget and of each recommendation upon special warrant articles, signed by a quorum of the governing body, or of the budget committee, if any, shall be placed on file with the town or district clerk. A certified copy shall be forwarded by the chair of the budget committee, if any, or otherwise by the chair of the governing body, to the commissioner of revenue administration pursuant to RSA 21-J:34.

VII. (a) The governing body shall post certified copies of the budget with the warrant for the meeting. The operating budget warrant article shall contain the amount as recommended by the budget committee if there is one. In the case of towns, the budget shall also be printed in the town report made available to the legislative body at least one week before the date of the annual meeting. A school district or village district may vote, under an article inserted in the warrant, to require the district to print its budget in an annual report made available to the district's voters at least one week before the date of the annual meeting. Such district report may be separate or may be combined with the annual report of the town or towns within which the district is located.

(b) The governing body in official ballot referenda jurisdictions operating under RSA 40:13 shall post certified copies of the default budget form or any amended default budget form with the proposed operating budget and the warrant.

(c) If the operating budget warrant article is amended at the first session of the meeting in an official ballot referendum jurisdiction operating under RSA 40:13, the governing body and the budget committee, if one exists, may each vote on whether to recommend the amended article, and the recommendation or recommendations shall appear on the ballot for the second session of the meeting.

VIII. The procedural requirements of this section shall apply to any special meeting called to raise or appropriate funds, or to reduce or rescind any appropriation previously made, provided, however, that any budget form used may be prepared locally. Such a form or the applicable warrant article shall, at a minimum, show the request by the governing body or petitioners, the recommendation of the budget committee, if any, and the sources of anticipated offsetting revenue, other than taxes, if any.

IX. If the budget committee fails to deliver a budget prepared in accordance with this section, the governing body shall post its proposed budget with a notarized statement indicating that the budget is being posted pursuant to this paragraph in lieu of the budget committee's proposed budget. This alternative budget shall then be the basis for the application of the provisions of this chapter.

X. If a town or district uses sub-accounts to budget or track financial data, it shall ensure the budget data at the account and sub-account levels is available for public inspection prior to and at the annual or special meeting, at which the budget or any appropriation is to be considered.

**Source.** 1993, 332:1, eff. Aug. 28, 1993. 1996, 214:2, eff. Aug. 9, 1996. 1997, 41:1, eff. July 11, 1997. 2001, 71:2, eff. July 1, 2001. 2002, 61:1, eff. June 25, 2002. 2004, 68:1, eff. July 6, 2004; 219:2, eff. Aug. 10, 2004; 238:5, eff. June 15, 2004; 238:12, eff. Aug. 10, 2004 at 12:01 a.m. 2007, 305:1, eff. Sept. 11, 2007. 2009, 2:1, eff. Feb. 20, 2009. 2010, 90:1, eff. July 24, 2010. 2012, 6:1, eff. May 21, 2012; 217:1, eff. July 1, 2013. 2014, 190:7, eff. Sept. 9, 2014. 2018, 246:1, eff. Aug. 11, 2018. 2021, 134:3, 4, eff. Sept. 21, 2021.

## Section 32:5-a

**32:5-a Presentation of Negotiated Cost Items at the Annual Meeting.** – Cost items, as defined under RSA 273-A:1, IV, shall be presented to the annual town or district meeting in accordance with the procedures established under RSA 32:5. For submission to the legislative body of the annual meeting, cost items must be finalized by the date prescribed in RSA 39:3 for towns and by the date prescribed in RSA 197:6 for school districts. Cost items not negotiated in time to meet these dates may be submitted to the legislative body pursuant to the provisions of RSA 31:5 for towns and RSA 197:3 for school districts.

**Source.** 1996, 214:3, eff. Aug. 9, 1996.

### **Section 32:5-b**

#### **32:5-b Local Tax Cap. –**

Upon adoption under RSA 32:5-c, the following shall apply:

I. In a town or district that has adopted this section, the estimated amount of local taxes to be raised for the fiscal year, as shown on the budget certified by the governing body or the budget committee and posted with the warrant for the annual meeting pursuant to RSA 32:5, shall not exceed the local taxes raised for the prior year, as shown on the same budget and adjusted as provided in paragraph I-a, by more than the tax cap authorized when this section was adopted.

I-a. If the local taxes raised for the prior year were reduced by any fund balance brought forward from previous years, the amount of such reduction shall be added back and included in the amount to which the tax cap is applied under paragraph I.

II. The tax cap shall be either a fixed dollar amount or a fixed percentage applied to the amount of local taxes raised by the town or district for the prior fiscal year as reported to the department of revenue administration, subject to adjustment as provided in paragraph I-a.

III. The legislative body may override the cap by the usual procedures applicable to annual meetings and deliberative sessions of the legislative body. The provisions of this section shall not limit the legislative body's authority to increase or decrease the amount of any appropriation or the total amount of all appropriations.

**Source.** 2011, 234:6, eff. July 5, 2011. 2013, 58:1, eff. Aug. 5, 2013.

### **Section 32:5-c**

#### **32:5-c Adoption of Local Tax Cap. –**

I. The provisions of RSA 32:5-b may be adopted by any local political subdivision of the state whose legislative body raises and appropriates funds through an annual meeting. A 3/5 majority of those voting on the question shall be required to adopt the provisions of RSA 32:5-b. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.

II. The question shall be placed on the warrant of the annual meeting by the governing body or by petition under the procedures set out in RSA 39:3 or RSA 197:6.

III. A public hearing shall be held by the local governing body on the question at least 15 days, but not more than 30 days, before the question is to be voted on. In multi-town districts, a public hearing shall be held in each town embraced by the district, none of which shall be held on the same day. Notice of the hearing shall be posted in at least 2 public places in the town and at least 2 public places in each town of multi-town districts, and published in a newspaper of general circulation at least 7 days prior to the date of the hearing.

IV. The wording of the question shall be: "Shall we adopt the provisions of RSA 32:5-b, and implement a tax cap whereby the governing body (or budget committee) shall not submit a recommended budget that increases the amount to be raised by local taxes, based on the prior fiscal year's actual amount of local taxes raised, by more than \_\_\_\_\_ (insert either a fixed dollar amount or a fixed percentage)?"

V. Voting on the question shall be by ballot, but the question shall not be placed on the official ballot used to elect officers, except in the case of a legislative body that uses an official ballot form of meeting under RSA 40:13 or under a charter adopted pursuant to RSA 49-D. Polls shall remain open and ballots shall be accepted by the moderator for a period of not less than one hour following the completion of discussion on the question. If a 3/5 majority of those voting on the question vote "yes," RSA 32:5-b shall apply within the local political subdivision beginning with the following fiscal year and for all subsequent years until it is rescinded as provided in paragraph VI.

VI. Any local political subdivision which has adopted RSA 32:5-b may consider rescinding its action in the manner described in paragraphs I through V. The wording of the question shall be: "Shall we rescind the provisions of RSA 32:5-b, known as the tax cap, as adopted by the (local subdivision) on (date of adoption), so that there will no longer be a limit on increases to the recommended budget in the amount to be raised by local taxes?" A 3/5 majority of those voting on the question shall be required to rescind the provisions of this section, except in the case of repeal by charter enactment under RSA 49-D. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.

Source. 2011, 234:6, eff. July 5, 2011.

## Appropriations

### Section 32:6

**32:6 Appropriations Only at Annual or Special Meeting.** – All appropriations in municipalities subject to this chapter shall be made by vote of the legislative body of the municipality at an annual or special meeting. No such meeting shall appropriate any money for any purpose unless that purpose appears in the budget or in a special warrant article, provided, however, that the legislative body may vote to appropriate more than, or less than, the amount recommended for such purpose in the budget or warrant, except as provided in RSA 32:18, unless the municipality has voted to override the 10 percent limitation as provided in RSA 32:18-a.

Source. 1993, 332:1, eff. Aug. 28, 1993. 2000, 193:2, eff. July 29, 2000.

### Section 32:6-a

**32:6-a Repealed by 2004, 232:1, eff. June 11, 2004. –**

### Section 32:7

#### **32:7 Lapse of Appropriations. –**

Annual meeting appropriations shall cover anticipated expenditures for one fiscal year. All appropriations shall lapse at the end of the fiscal year and any unexpended portion thereof shall not be expended without further appropriation, unless:

- I. The amount has, prior to the end of that fiscal year, become encumbered by a legally-enforceable obligation, created by contract or otherwise, to any person for the expenditure of that amount; or
- II. The amount is legally placed in any nonlapsing fund properly created pursuant to statute, including but not limited to a capital reserve fund under RSA 35, or a town-created trust fund under RSA 31:19-a; or
- II-a. The amount is appropriated to a capital reserve fund pursuant to RSA 35:5.
- III. The amount is to be raised, in whole or in part, through the issuance of bonds or notes pursuant to RSA 33, in which case the appropriation, unless rescinded, shall not lapse until the fulfillment of the purpose or completion of the project being financed by the bonds or notes; or
- IV. The amount is appropriated from moneys anticipated to be received from a state, federal or other governmental or private grant, in which case the appropriation shall remain nonlapsing for as long as the money remains available under the rules or practice of the granting entity; or
- V. The amount is appropriated under a special warrant article, in which case the local governing body may, at any properly noticed meeting held prior

to the end of the fiscal year for which the appropriation is made, vote to treat that appropriation as encumbered for a maximum of one additional fiscal year; or

VI. The amount is appropriated under a special warrant article and is explicitly designated in the article and by vote of the meeting as nonlapsing, in which case the meeting shall designate the time at which the appropriation shall lapse, which in no case shall be later than 5 years after the end of the fiscal year for which the appropriation is made.

**Source.** 1993, 332:1, eff. Aug. 28, 1993. 2017, 127:3, eff. Aug. 15, 2017.

### **Section 32:7-a**

#### **32:7-a Appropriations for Capital Projects. –**

In addition to any other appropriation authority, and notwithstanding any other provisions of law, at any annual meeting the legislative body may, by the affirmative vote of 2/3 of those present and voting, or by the affirmative vote of 3/5 of those voting on the question in a town or district that has adopted the official ballot referendum form of meeting, appropriate funds for a term beyond one fiscal year, but not to exceed 5 fiscal years, as follows:

I. The appropriation shall be only for an identified project, as described in the article authorizing the appropriation, for which it would be lawful to issue a bond or note under RSA 33:3 or RSA 33:3-c.

II. The article authorizing the appropriation shall state the term of years of the appropriation, the total amount of the appropriation, and the amount to be appropriated in each year of the term.

III. For each year after the first year, the amount designated for that year as provided in paragraph II shall be deemed appropriated without further vote by the legislative body, unless the appropriation is rescinded as provided in paragraph VI. In a town or district that has adopted the official ballot referendum form of meeting, the amount designated for each year shall be included in the default budget for that year.

IV. If the amount appropriated for any year is not spent during the year, the unexpended amount shall not lapse, but shall be available for expenditure in a subsequent year during the term; provided that all unexpended amounts shall lapse at the end of the term.

V. The approval of an appropriation under this section shall not constitute the establishment of a capital reserve fund, and any amounts appropriated shall not be deposited into such a fund.

VI. Prior to the expiration of the term, the legislative body may, at any annual meeting, rescind the appropriation by an affirmative vote of a majority of those voting on the question. Upon rescission, any unexpended amount shall lapse immediately.

**Source.** 2013, 109:2, eff. Aug. 23, 2013.

## **Expenditures**

### **Section 32:8**

**32:8 Limitation on Expenditures. –** No board of selectmen, school board, village district commissioners or any other officer, employee, or agency of the municipality acting as such shall pay or agree to pay any money, or incur any liability involving the expenditure of any money, for any purpose in excess of the amount appropriated by the legislative body for that purpose, or for any purpose for which no appropriation has been made, except as provided in RSA 32:9-11.

**Source.** 1993, 332:1, eff. Aug. 28, 1993.

### Section 32:9

**32:9 Exception.** – Money may be spent to pay a judgment against the town or district, without an appropriation.

**Source.** 1993, 332:1, eff. Aug. 28, 1993.

### Section 32:10

#### **32:10 Transfer of Appropriations. –**

I. If changes arise during the year following the annual meeting that make it necessary to expend more than the amount appropriated for a specific purpose, the governing body may transfer to that appropriation an unexpended balance remaining in some other appropriation, provided, however, that:

- (a) The total amount spent shall not exceed the total amount appropriated at the town or district meeting.
- (b) Records shall be kept by the governing body, such that the budget committee, if any, or any citizen requesting such records pursuant to RSA 91-A:4, may ascertain the purposes of appropriations to which, and from which, amounts have been transferred; provided, however, that neither the budget committee nor other citizens shall have any authority to dispute or challenge the discretion of the governing body in making such transfers.
- (c) A statement comparing all legislative body appropriations against all expenditures shall be deemed adequate for purposes of the records required by subparagraph (b), so long as every expenditure has been properly authorized and properly classified and entered and any expenditures exceeding the original legislative appropriations are offset by unexpended balances remaining in other appropriations, in which case the governing body shall not be required to designate the specific source of each transfer.
- (d) Any amount appropriated at the meeting under a special warrant article, or to a capital reserve fund pursuant to RSA 35:5, may be used only for the purpose specified in that article and shall not be transferred.
- (e) The town or district meeting may vote separately on individual purposes of appropriation contained within any warrant article or budget, but such a separate vote shall not affect the governing body's legal authority to transfer appropriations, provided, however, that if the meeting deletes a purpose, or reduces the amount appropriated for that purpose to zero or does not approve an appropriation contained in a separate article, that purpose or article shall be deemed one for which no appropriation is made, and no amount shall be transferred to or expended for such purpose.

II. As used in RSA 32:10, I(a)-(d), concerning transfers of appropriations and records thereof, "purpose" refers, in addition to its meaning in RSA 32:3, V, to individual line items in whatever detailed budget or chart of accounts is regularly used by the municipality. The general wording of a vote adopting a budget or portion of a budget shall not be considered a "purpose" to which an amount may be transferred. The definition of "purpose" as used in RSA 32:10, I(e) shall be the definition of "purpose" under RSA 32:3, V.

**Source.** 1993, 332:1, eff. Aug. 28, 1993. 1996, 214:4, eff. Aug. 9, 1996. 2004, 113:1, eff. July 16, 2004. 2017, 127:4, eff. Aug. 15, 2017.

### Section 32:11

See Emergency Order #23 (NH LEGIS E.O. 2020-23-Emerg. (2020, 2023:1.)) and Emergency Order #38 (NH LEGIS E.O. 2020-38-Emerg. (2020, 2038:1.)), issued pursuant to Executive Order 2020-04 (NH LEGIS E.O. 2020-04 (2020, 1004:1.)) as extended by Executive Orders 2020-05 (NH



LEGIS E.O. 2020-05 (2020, 1005:1.); 2020-08 (NH LEGIS E.O. 2020-08 (2020, 1008:1.)); 2020-09 (NH LEGIS E.O. 2020-09 (2020, 1009:1.)); 2020-010 (NH LEGIS E.O. 2020-010 (2020, 1010:1.)); 2020-014 (NH LEGIS E.O. 2020-014 (2020, 1014:1.)); 2020-015 (NH LEGIS E.O. 2020-015 (2020, 1015:1.)); 2020-016 (NH LEGIS E.O. 2020-016 (2020, 1016:1.)); 2020-017 (NH LEGIS E.O. 2020-017 (2020, 1017:1.)); 2020-018 (NH LEGIS E.O. 2020-018 (2020, 1018:1.)); 2020-020 (NH LEGIS E.O. 2020-020 (2020, 1020:1.)); 2020-021 (NH LEGIS E.O. 2020-021 (2020, 1021:1.)); 2020-022 (NH LEGIS E.O. 2020-022 (2020, 1022:1.)); 2020-023 (NH LEGIS E.O. 2020-023 (2020, 1023:1.)); 2020-024 (NH LEGIS E.O. 2020-024 (2020, 1024:1.)); 2020-025 (NH LEGIS E.O. 2020-025 (2020, 1025:1.)); 2021-01 (NH LEGIS E.O. 2021-01 (2021, 1001:1.)); 2021-02 (NH LEGIS E.O. 2021-02 (2021, 1002:1.)), and related to the COVID-19 State of Emergency, for potential impact on the terms of this section.

### **32:11 Emergency Expenditures and Overexpenditures. –**

When an unusual circumstance arises during the year which makes it necessary to expend money in excess of an appropriation which may result in an overexpenditure of the total amount appropriated for all purposes at the meeting or when no appropriation has been made, the selectmen or village district commissioners, upon application to the commissioner of revenue administration or the school board upon application to the commissioner of education, may be given authority to make such expenditure, provided that:

I. Such application shall be made prior to the making of such expenditure. No such authority shall be granted until a majority of the budget committee, if any, has approved the application in writing. If there is no budget committee, the governing body shall hold a public hearing on the request, with notice as provided in RSA 91-A:2.

II. The commissioner of revenue administration or the commissioner of education may accept and approve an application after an expenditure if caused by a sudden or unexpected emergency, in which case paragraph I shall not apply.

III. Neither the commissioner of revenue administration nor the commissioner of education shall approve such an expenditure unless the governing body designates the source of revenue to be used. Neither commissioner shall have the authority to increase the town or district's tax rate in order to fund such an expenditure.

IV. When applying to the commissioner of education for such authority, the school board shall send a copy of such application to the department of revenue administration. The commissioner of education, when granting authority to the school board, shall notify, in writing, the commissioner of revenue administration of any and all authorizations given to school boards for emergency expenditures or overexpenditures, and the revenue source for funding such expenditures.

V. Notwithstanding paragraphs I through IV, if the legislative body has by warrant article established a contingency fund in the annual budget for the purpose of unanticipated expenses, the board of selectmen may expend funds from such account to meet the costs of such expenses.

**Source.** 1993, 332:1, eff. Aug. 28, 1993. 1996, 214:5, eff. Aug. 9, 1996. 1999, 140:1, eff. Aug. 24, 1999. 2013, 115:1, eff. Aug. 24, 2013.

## **Section 32:11-a**

**32:11-a Actual Expenditures for Special Education Programs and Services. –** Each school district shall provide in its annual report an accounting of actual expenditures by the district for special education programs and services for the previous 2 fiscal years. Such accounting shall include offsetting revenues from all sources, including but not limited to, reimbursements from state funds, federal funds, or medicaid funds, private or other health insurance coverage, transferred special education moneys received from another school district, and any other special education resources received by the district.

**Source.** 1999, 180:1, eff. Aug. 30, 1999.

## **Section 32:12**

**32:12 Penalty.** – Any person or persons violating the provisions of this subdivision shall be subject to removal from office on proper petition brought before the superior court. Such petition shall take precedence over other actions pending in the court and shall be heard and decided as speedily as possible.

**Source.** 1993, 332:1, eff. Aug. 28, 1993.

### Section 32:13

See 2020, 8:2, effective July 1, 2020; Emergency Order #38 (NH LEGIS E.O. 2020-38-Emerg. (2020, 2038:1.)); and Emergency Order #56 (NH LEGIS E.O. 2020-56-Emerg. (2020, 2056:1.)), issued pursuant to Executive Order 2020-04 (NH LEGIS E.O. 2020-04 (2020, 1004:1.)) as extended by Executive Orders 2020-05 (NH LEGIS E.O. 2020-05 (2020, 1005:1.)); 2020-08 (NH LEGIS E.O. 2020-08 (2020, 1008:1.)); 2020-09 (NH LEGIS E.O. 2020-09 (2020, 1009:1.)); 2020-010 (NH LEGIS E.O. 2020-010 (2020, 1010:1.)); 2020-014 (NH LEGIS E.O. 2020-014 (2020, 1014:1.)); 2020-015 (NH LEGIS E.O. 2020-015 (2020, 1015:1.)); 2020-016 (NH LEGIS E.O. 2020-016 (2020, 1016:1.)); 2020-017 (NH LEGIS E.O. 2020-017 (2020, 1017:1.)); 2020-018 (NH LEGIS E.O. 2020-018 (2020, 1018:1.)); 2020-020 (NH LEGIS E.O. 2020-020 (2020, 1020:1.)); 2020-021 (NH LEGIS E.O. 2020-021 (2020, 1021:1.)); 2020-022 (NH LEGIS E.O. 2020-022 (2020, 1022:1.)); 2020-023 (NH LEGIS E.O. 2020-023 (2020, 1023:1.)); 2020-024 (NH LEGIS E.O. 2020-024 (2020, 1024:1.)); 2020-025 (NH LEGIS E.O. 2020-025 (2020, 1025:1.)); 2021-01 (NH LEGIS E.O. 2021-01 (2021, 1001:1.)); 2021-02 (NH LEGIS E.O. 2021-02 (2021, 1002:1.)); 2020-015 (NH LEGIS E.O. 2020-015 (2020, 1015:1.)), related to the COVID-19 State of Emergency, for potential impact on the terms of this section.

#### **32:13 Contracts; Expenditures Prior to Meeting. –**

I. This subdivision shall not be construed to imply that a local legislative body, through its actions on appropriations, has the authority to nullify a prior contractual obligation of the municipality, when such obligation is not contingent upon such appropriations and is otherwise valid under the New Hampshire law of municipal contracts, or to nullify any other binding state or federal legal obligation which supersedes the authority of the local legislative body.

II. This subdivision shall not be construed to affect the authority of the local governing body, in towns with a March annual meeting and a January through December fiscal year, to make expenditures between January 1 and the date a budget is adopted which are reasonable in light of prior year's appropriations and expenditures for the same purposes during the same time period.

**Source.** 1993, 332:1, eff. Aug. 28, 1993. 1997, 318:2, eff. Aug. 22, 1997. 2001, 71:3, eff. July 1, 2001.

## Budget Committee

### Section 32:14

#### **32:14 Adoption. –**

I. This subdivision may be adopted:

- (a) By any town with a town meeting form of government, including those with a budgetary town meeting, official ballot town meeting, or representative town meeting pursuant to RSA 49-D:3, II, II-a, and III, or by a town with an official ballot town council form of government under which part or all of the annual town operating budget is voted upon by official ballot;
- (b) By a cooperative school district, in accordance with RSA 195:12-a;

(c) By any village district, or district created under RSA 53-A or 53-B, which adopts its budget at an annual meeting of its voters, and which is located in more than one municipality; or

(d) By any school district or village district which adopts its budget at an annual meeting of its voters, but which lies wholly within a municipality that lacks authority to adopt this subdivision.

II. This subdivision may be adopted by a majority vote of those present and voting, under an article in the warrant for the annual meeting, inserted by the governing body or by petition.

III. Voting shall be by ballot, but the question shall not be placed on the official ballot used to elect officers. Polls shall remain open and ballots shall be accepted by the moderator for a period of not less than one hour following the completion of discussion on the question.

IV. If the vote is favorable, the town or district shall at that same meeting vote, by ballot or other means, determine the number of members-at-large, as provided in RSA 32:15, I, and whether they shall be elected or appointed by the moderator.

V. A town or district which has adopted this subdivision may rescind its adoption in the manner described in paragraphs II and III.

**Source.** 1993, 332:1, eff. Aug. 28, 1993. 2008, 243:3, eff. Aug. 23, 2008.

## Section 32:15

### **32:15 Budget Committee Membership. –**

I. The budget committee shall consist of:

(a) Three to 12 members-at-large, who may be either elected or appointed by the moderator, as the town or district adopting the provisions of this subdivision shall by vote determine, who shall serve staggered terms of 3 years; and

(b) One member of the governing body of the municipality and, if the municipality is a town, one member of the school board of each school district wholly within the town and one member of each village district wholly within the town, all of whom shall be appointed by their respective boards to serve for a term of one year and until their successors are qualified. Each such member may be represented by an alternate member designated by the respective board, who shall, when sitting, have the same authority as the regular member.

II. If the meeting decides that members-at-large are to be appointed, the staggering of terms shall begin that same year, with 1/3 of such members chosen to hold office for one year, 1/3 for 2 years, and 1/3 for 3 years, and each year thereafter 1/3 shall be chosen for terms of 3 years and until their successors are appointed and qualified. If the number of members-at-large is not divisible by 3, the division shall be as even as possible over the 3 years. All such appointments shall be made within 30 days after the annual meeting.

III. If the meeting decides members-at-large are to be elected, the meeting shall either elect the initial members for one-year terms by means other than by official ballot, or shall authorize the moderator to appoint members to serve until the next annual meeting, as provided in RSA 669:17. Elections for staggered terms, as described in paragraph II, shall not begin until that next annual meeting, and shall be by official ballot if the municipality has adopted the official ballot system, as set forth in RSA 669.

IV. A town or district which has adopted this subdivision may vote at any subsequent annual meeting to change the number or manner of selection of its members-at-large. No such change shall take effect until the annual meeting following the meeting at which the change was adopted.

V. No selectman, town manager, member of the school board, village district commissioner, full-time employee, or part-time department head of the town, school district or village district or other associated agency shall serve as a member-at-large. Every member-at-large shall be domiciled in the town or district adopting this subdivision and shall cease to hold office immediately upon ceasing to be so domiciled.

VI. One of the members-at-large shall be elected by the budget committee as chair. The committee may elect other officers as it sees fit. A member-at-large shall cease to hold office immediately upon missing 4 consecutive scheduled or announced meetings of which that member received reasonable notice, without being excused by the chair.

VII. In municipalities where members-at-large are appointed, the chair shall notify the moderator immediately upon the occurrence of any vacancy in

the membership-at-large, and the vacancy shall be filled by appointment by the moderator within 5 days of such notification, otherwise by the budget committee. In municipalities where members-at-large are elected, vacancies shall be filled by appointment by the budget committee. Persons appointed to fill vacancies shall serve until the next annual meeting at which time a successor shall be elected or appointed to either fill the unexpired term or start a new term, as the case may be.

**Source.** 1993, 332:1, eff. Aug. 28, 1993. 1998, 141:1, 2, eff. Aug. 7, 1998.

### **Section 32:16**

#### **32:16 Duties and Authority of the Budget Committee. –**

In any town which has adopted the provisions of this subdivision, the budget committee shall have the following duties and responsibilities:

- I. To prepare the budget as provided in RSA 32:5, and if authorized under RSA 40:14-b, a default budget under RSA 40:13, IX(b) for submission to each annual or special meeting of the voters of the municipality, and, if the municipality is a town, the budgets of any school district or village district wholly within the town, unless the warrant for such meeting does not propose any appropriation.
- II. To confer with the governing body or bodies and with other officers, department heads and other officials, relative to estimated costs, revenues anticipated, and services performed to the extent deemed necessary by the budget committee. It shall be the duty of all such officers and other persons to furnish such pertinent information to the budget committee.
- III. To conduct the public hearings required under RSA 32:5, I.
- IV. To forward copies of the final budgets to the clerk or clerks, as required by RSA 32:5, VI, and, in addition, to deliver 2 copies of such budgets and recommendations upon special warrant articles to the respective governing body or bodies at least 20 days before the date set for the annual or special meeting, to be posted with the warrant.

**Source.** 1993, 332:1, eff. Aug. 28, 1993. 2004, 219:4, eff. Aug. 10, 2004.

### **Section 32:17**

#### **32:17 Duties of Governing Body and Other Officials. –**

- I. The governing bodies of municipalities adopting this subdivision, or of districts which are wholly within towns adopting this subdivision, shall review the statements submitted to them under RSA 32:4 and shall submit their own recommendations to the budget committee, together with all information necessary for the preparation of the annual budget, including each purpose for which an appropriation is sought and each item of anticipated revenue, including all sub-accounts used by the governing body, at such time as the budget committee shall fix. In the case of a special meeting calling for the appropriation of money, the governing body shall submit such information not later than 5 days prior to the required public hearing. Department heads and other officers shall submit their departmental statements of estimated expenditures and receipts to the budget committee, if requested.
- II. The information provided to the budget committee as required by this chapter shall be in a format acceptable to the budget committee. This requirement may be satisfied by the municipality by providing the assistance of a knowledgeable staff person who will attend the budget committee meetings with access to and the ability to provide the required information.
- III. The governing body shall incorporate any sub-accounts created by the budget committee into the software used to budget or track financial data.

**Source.** 1993, 332:1, eff. Aug. 28, 1993. 2021, 134:5, eff. Sept. 21, 2021.

## Section 32:18

### 32:18 Limitation of Appropriations. –

In any municipality electing this subdivision, or any district wholly within a town electing this subdivision, the total amount appropriated at any annual meeting shall not exceed by more than 10 percent the total amount recommended by the budget committee for such meeting. In official ballot referendum municipalities, the recommendation of the budget committee made for the first session of the meeting shall be used for determining the 10 percent limitation. These totals shall include appropriations contained in special warrant articles. Money may be raised and appropriated for purposes included in the budget or in the warrant and not recommended by the budget committee, but not to an amount which would increase the total appropriations by more than the 10 percent allowed under this paragraph. The 10 percent increase allowable under this paragraph shall be computed on the total amount recommended by the budget committee less that part of any appropriation item which constitutes fixed charges. Fixed charges shall include appropriations for:

- I. Bonds, and all interest and principal payments thereon.
- II. Notes, except tax anticipation notes, and all interest and principal payments thereon.
- III. Mandatory assessments imposed on towns by the county, state or federal governments.

**Source.** 1993, 332:1, eff. Aug. 28, 1993. 2004, 68:2, eff. July 6, 2004.

## Section 32:18-a

### 32:18-a Legislative Body Override of Limitation of Appropriations. –

- I. Notwithstanding any other provision of law, in any municipality electing this subdivision, or any district wholly within a town electing this subdivision, if a bond request is not recommended in its entirety by the budget committee, the governing body of such municipality, after a majority vote by the governing body of the municipality in favor of the bond request at a duly posted meeting, shall place the bond request on the warrant.
- II. The legislative body of any municipality described in RSA 32:18-a, I, may approve a bond request despite the 10 percent limitation provided in RSA 32:18 in the following manner:
  - (a) The governing body shall place the following statement at the beginning of the warrant article for such bond request: "Passage of this article shall override the 10 percent limitation imposed on this appropriation due to the non-recommendation of the budget committee." Immediately below the bond request on the warrant shall be displayed (1) the recommendation of the governing body and (2) the recommendation of the budget committee, as included in the budget forms for the annual meeting pursuant to RSA 32:5, IV.
  - (b) If those voting "Yes" on the bond request satisfy the requirements of RSA 33:8, the bond request is thereby approved.
- III. If the bond request is approved pursuant to RSA 32:18-a, the governing body of such municipality shall forward a copy of the minutes of the duly posted meeting described in RSA 32:18-a, I to the commissioner of the department of revenue administration.

**Source.** 2000, 193:1, eff. July 29, 2000.

## Section 32:19

**32:19 Collective Bargaining Agreements. –** Whenever items or portions of items in a proposed budget constitute appropriations, the purpose of which is to implement cost items of a collective bargaining agreement negotiated pursuant to RSA 273-A, either previously ratified or concurrently being submitted for ratification by the legislative body, or the purpose of which is to implement the recommendations of a neutral party in the case of a

dispute, as provided in RSA 273-A:12, such items shall be submitted to the budget committee and considered in its budget preparation. Such appropriations shall be submitted to the legislative body and shall include a statement of the governing body's recommendation and a separate statement of the budget committee's recommendation. If such appropriations were not recommended by the budget committee, then such appropriations shall be exempt from the 10 percent limitation set forth in RSA 32:18. The failure of the budget committee to recommend any portion of such appropriations shall not be deemed an unfair labor practice under RSA 273-A.

**Source.** 1993, 332:1, eff. Aug. 28, 1993. 2001, 71:4, eff. July 1, 2001.

### **Section 32:19-a**

**32:19-a Presentation of Negotiated Cost Items at the Annual Meeting.** – Cost items, as defined under RSA 273-A:1, IV, shall be presented to the annual town or district meeting in accordance with the procedures established under RSA 32:5. For submission to the legislative body of the annual meeting, cost items must be finalized by the date prescribed in RSA 39:3 for towns and by the date prescribed in RSA 197:6 for school districts. Cost items not negotiated in time to meet these dates may be submitted to the legislative body pursuant to the provisions of RSA 31:5 for towns and RSA 197:3 for school districts.

**Source.** 1996, 214:6, eff. Aug. 9, 1996.

### **Section 32:20**

**32:20 At Special Meetings.** – So long as the provisions of this subdivision remain in force in any municipality, no appropriation shall be made at any special meeting for any purpose not approved by the budget committee, unless it is within the allowable 10 percent increase if RSA 32:18 has been adopted, except as provided in RSA 32:19 or 32:18-a.

**Source.** 1993, 332:1, eff. Aug. 28, 1993. 2000, 193:3, eff. July 29, 2000.

### **Section 32:21**

**32:21 Exceptions.** – In cases where the town or a district wholly within the town has been ordered by the department of environmental services, under the provisions of RSA 147, 485 or 485-A, to install, enlarge or improve waterworks or to install, enlarge or improve sewerage, sewage, or waste treatment facilities, the 10 percent limitation of RSA 32:18 and 20, shall not apply.

**Source.** 1993, 332:1, eff. Aug. 28, 1993. 1996, 228:108, eff. July 1, 1996.

### **Section 32:22**

**32:22 Review of Expenditures.** – Upon request by the budget committee, the governing body of the town or district, or the town manager or other administrative official, shall forthwith submit to the budget committee a comparative statement of all appropriations and all expenditures, including all sub-accounts used by the governing body, by them made in such additional detail as the budget committee may require. The budget committee shall meet periodically to review such statements. The provisions of this section shall not be construed to mean that the budget committee, or any member



of the committee, shall have any authority to dispute or challenge the discretion of other officials over current town or district expenditures, except as provided in RSA 32:23.

**Source.** 1993, 332:1, eff. Aug. 28, 1993. 2021, 134:6, eff. Sept. 21, 2021.

### Section 32:23

**32:23 Initiation of Removal Proceedings.** – Upon receipt of the reports provided for by RSA 32:22, the budget committee shall examine the same promptly, and if it shall be found that the governing body or town manager have failed to comply with the provisions of this chapter concerning expenditures, a majority of the committee, at the expense of the municipality, may petition the superior court for removal as provided in RSA 32:12.

**Source.** 1993, 332:1, eff. Aug. 28, 1993.

### Section 32:24

**32:24 Other Committees.** – Nothing in this subdivision shall prevent a municipality or school administrative unit from establishing advisory budget or finance committees, with such duties and powers as the municipality or school administrative unit sees fit, but no such committee's recommendations shall have any limiting effect on appropriations, as set forth in RSA 32:18, unless all the procedures in this subdivision are followed.

**Source.** 1993, 332:1, eff. Aug. 28, 1993. 1996, 98:1, eff. July 1, 1996.

## Biennial Budgets

### Section 32:25

**32:25 Biennial Budget; Authorization.** – Any city, town, unincorporated town, unorganized place, school district, village district, or county may budget receipts and expenditures, raise and appropriate revenues, and assess taxes on a biennial budget basis consisting of one distinct 24-month fiscal year or 2 distinct 12-month fiscal years. The governing body may allow for the carry over of funds from the first fiscal year of the biennium to the second.

**Source.** 1998, 54:1, eff. April 1, 1998. 2006, 148:1, eff. July 21, 2006.

### Section 32:26

**32:26 Procedure for Adoption.** – Any city, town, unincorporated town, unorganized place, school district, village district, or county may adopt the provisions of RSA 32:25 relative to a biennial budget in the normal manner used in the political subdivision for acts of the local legislative body.

**Source.** 1998, 54:1, eff. April 1, 1998.

## **Town of Sunapee, NH**

**POSITION: Abbott Library Director**

**DEPARTMENT: Library**

**FLSA STATUS:**

**REPORTS TO: Abbott Library Board of Trustees**

**LABOR GRADE:**

**DATE: December 16, 2021**

### **GENERAL SUMMARY**

The Director of the Town of Sunapee Abbott Library is responsible for all operations of the library and for developing, managing and implementing its program of services. The Library Director reports to the Abbott Library Board of Trustees, while exercising independent judgment based on professional and technical knowledge. The Director works in close cooperation with the Library Board of Trustees, serving as advisor and as an active participant in policy development, goal setting, planning and evaluation. The Director manages the fiscal health of the organization.

### **ESSENTIAL DUTIES AND RESPONSIBILITIES**

Except as specifically noted, the following functions are considered essential to this position:

1. Planning and Development
  - a. With the Trustees, develop and implement short-term and long-range plans to continually improve and expand services to anticipate and meet patron and community needs.
  - b. With the Trustees, periodically re-evaluate library policies and objectives.
  - c. Inform the Trustees of developments in library science, news from state or regional meetings, etc.
  - d. Abide by the Library's mission statement and policies, working to further the goals of the library.
2. Financial Management
  - a. Prepare and present a proposed annual library operations budget for review and approval by the Trustees. Present to the Advisory Budget Committee (ABC) and the Board of Selectmen for final approval.
  - b. Assist the Treasurer with monthly financial reports to the Board.
  - c. Maintain expenditures within the limits of the proposed budget.
  - d. Collect, organize and transmit all bills for payment to the Treasurer/Bookkeeper on a weekly basis.
  - e. Maintain accurate records of funds collected from library fines, fees, gifts and other sources, and deposit into the library's bank account at least monthly.
  - f. Maintain accurate records of petty cash (defined as not more than \$100) and provide a summary when requested.
  - g. Provide financial and other information to the town selectmen and town auditors as requested.
3. Staff Management
  - a. Develop clear descriptions of staff positions including qualifications for employment, evaluation procedures and other practices that support legal obligations of the library as an employer.
  - b. Make all staff employment decisions. Assign tasks, schedule, train and supervise all staff.
  - c. Conduct staff meetings for intra-library communications and in-service training.
  - d. Administer and/or oversee the volunteer program.
  - e. Maintain a high performance standard for staff and volunteers. Develop and maintain a professional working climate in which all personnel are motivated to perform to the best of their abilities.
  - f. Schedule two staff members to maintain a minimum coverage during library hours.
  - g. Schedule staff vacations to accommodate staff wishes to the extent possible within the framework of the library's needs and availability of substitutes.
  - h. Evaluate new staff members after six months and all other library staff members at least annually.

- i. Recommend and support continuing development for staff.
4. Collection Management
  - a. Understand community needs and patron interests for current informational, educational and recreational materials.
  - b. Know the collections of area schools and town libraries to supplement, rather than duplicate, special collections.
  - c. Encourage collection requests from patrons and local organizations.
  - d. Supplement the collection through inter-library loan to meet patron requests.
  - e. Maintain accurate records of patron use, collection circulation, and inter-library loan circulation.
  - f. Oversee the acquisition of collection material on a timely basis.
  - g. Maintain the collection catalogue in accordance with New Hampshire State Library standards.
  - h. Review the collection for outdated or not used materials and coordinate removal and disposition.
5. Building Management
  - a. Maintain the library as a welcoming, safe and clean environment.
  - b. Purchase library equipment, furniture and supplies. Maintain an inventory.
  - c. Identify and record current and future regularly scheduled and periodic maintenance needs. Identify annual major maintenance items in conjunction with annual budgeting and with the Town's capital building maintenance plan.
  - d. Obtain estimates or quotes for minor repairs within operating budget. Implement and oversee.
  - e. Obtain estimates or quotes for major repairs, present to the Trustees for approval and, if approved, implement and oversee.
  - f. For emergency repairs, consult with an Officer of the Board; implement and oversee repair decisions.
  - g. Make recommendations for building improvement to the Trustees.
  - h. Purchase office and building maintenance supplies as necessary as well as capital purchases as approved by the Trustees.
  - i. Review health and safety factors in the workplace. Take prompt corrective action as needed within limits of authority and resources.
  - j. Ensure a secure building at the close of daily library operations.
6. Program Management
  - a. Understand community needs and patron interests for current informational, educational and recreational programs.
  - b. Determine the optimal approach for program funding.
  - c. Collaborate with community resources for program ideas, sponsorship and implementation.
  - d. Oversee, coordinate and implement library program activities with the assistance of library staff.
  - e. Evaluate and report to the Trustees the effectiveness and impact of programs.
7. Technology Management
  - a. Ensure and maintain technology that supports current patron and community needs (i.e., website, online catalogue, etc.).
  - b. Work with the Technology Committee to maintain an inventory and develop and implement a technology plan.
  - c. Oversee the purchase, operation and maintenance of library technology systems to ensure user friendly, proper and reliable performance of these systems.
  - d. Maintain statistical reporting tools. Use statistical data to drive decision-making.

- e. Understand the library's technical infrastructure, how the network is set up, and who uses the network besides the library staff and patrons (i.e., outside vendors with access to HVAC equipment, etc.).
  - f. Perform basic maintenance and trouble-shooting of the library hardware and software.
8. Public Relations, Advocacy and Legal Management
- a. Advocate for the library through regular contact with the general public, civic organizations and public/town officials. Attend and represent the library's interests at town meetings when appropriate.
  - b. Plan and oversee all communications to promote library events.
  - c. Develop and maintain the library's website content.
  - d. Work to secure adequate funds to carry out the library's services.
  - e. Coordinate memorial gifts and collection selections with individuals and organizations.
  - f. Maintain patron usage confidentiality as required by law.
  - g. Maintain direct contact with and attend meetings of the Friends of the Abbott Library and the Abbott Library Foundation.
  - h. Remain current on all library legal regulations. Inform the Board of any legal developments.
9. Professional Development
- a. Attend state, regional and/or national meetings and workshops.
  - b. Read library science journals and confer with area librarians (public, school, college) to keep current on trends and improve library services.
  - c. With Trustee approval, take advantage of opportunities to develop professional knowledge and skills.
10. Miscellaneous Responsibilities
- a. Establish daily library procedures; modify when necessary.
  - b. Implement and enforce library policies.
  - c. Attend all Board of Trustee meetings and report monthly on library operations.
  - d. Attend Board of Trustee committee meetings as appropriate.
  - e. Comply promptly with requests of the Library Trustees.
  - f. Compile statistics for and write reports for the Trustees, Town Report and State Library.
  - g. Attend Town Selectmen meetings when requested.

## **OTHER DUTIES AND RESPONSIBILITIES**

Perform other management duties as requested by the Abbott Library Board of Trustees.

## **SUPERVISORY CONTROLS**

The Abbott Library Director manages all staff and volunteers, assigning all work tasks and/or projects with general instructions and timeframes for completion. The Director adheres to Library policies and directives from the Abbott Library Board of Trustees.

## **GUIDELINES**

Guidelines include Abbott Library policies and procedures, New Hampshire RSA's and other relevant local, state and federal laws.

## **COMPLEXITY**

The position includes a variety of principles and practices of modern library administration including:

- Ability to evaluate community needs and interests, create a plan to meet those needs, implement the plan and review results for effectiveness.
- Working knowledge of the municipal budget process; ability to develop and administer a budget.
- Ability to plan, assign and direct the work of staff and volunteers.

- Ability to establish and maintain effective working relationships with staff, volunteers, the Abbott Library Board of Trustees, Town officials, and the general public.

### **SCOPE AND EFFECT**

The scope of the position includes the day-to-day operations of the library, including planning and development, fiscal and staff management, collection and program management, building management, technology management, public relations, advocacy and legal management.

### **PERSONAL CONTACTS**

Contacts are typically with the Abbott Library Board of Trustees, the Town Manager, other department heads, federal and state regulators, other municipal officials, department foremen, co-workers, other Town employees, Town residents, and the general public. The contacts may also include committees or groups in a non-structured to well-structured setting.

### **PURPOSE OF CONTACTS**

The purpose is to plan, schedule, organize, coordinate, manage, implement, direct and to provide advice.

### **MANAGEMENT RESPONSIBILITY**

Refer to the Essential Duties and Responsibilities section.

### **DESIRED MINIMUM QUALIFICATIONS**

#### **Education and Experience**

1. A Master's degree in Library Science from an accredited college or university with progressively responsible library administration experience, including at least three years in a supervisory capacity, is required. An equivalent combination of training and experience, which provides a demonstrated ability to successfully meet the requirements of the position, may be considered.
2. Demonstrated experience in successful critical thinking and judgment, leading and mentoring staff, fiscal planning and administration, program development, outreach, collection development, and applying emerging technologies in a library setting.
3. Demonstrated experience working collaboratively with a broad range of constituents. Experience working in a community or school library program. Experience interacting with town officials and elected boards is highly desirable.
4. Supports the American Library Association (ALA) code of ethics.

#### **Knowledge, Abilities and Skills**

1. Thorough knowledge of the principles and practices of professional library work and of the organization and management of library operations, including administration, staff management and finance.
2. Strong interpersonal, written and verbal communication skills. Willingness to learn and use a variety of communication methods. Demonstrated public speaking skills.
3. Ability to implement and manage change in the complex and rapidly evolving greater library environment.
4. Ability to work effectively with all constituents, including the Library's Board of Trustees, staff and volunteers, patrons of all ages and interests, local students, faculty and administrators, town officials and the general public.
5. Knowledge of and vision for resource development, including but not limited to grant writing, fundraising, donor development, and donor relations. Experience with QuickBooks and other relevant software.
6. Fiscal management experience, such as budget development and administration, including seeking approval by the Abbott Library Board of Trustees and presentation to town officials.
7. Working knowledge of automated library systems.

8. Ability to lead and supervise staff and volunteers in an effective and harmonious manner. Ability to delegate responsibility and authority efficiently.
9. Ability to build effective teams, interact with a broad spectrum of stakeholders, and engage in creative problem solving and program development.
10. Understanding of and receptiveness to the uses of emerging technologies in community and school library settings. Knowledge of information literacy and technology literacy, and the ability to put current developments in the library profession to local use.
11. Knowledge of federal, state and local laws, regulations, codes and contracts pertinent to public library administration.

### **LICENSING AND CERTIFICATION**

See above, Education and Experience.

### **TOOLS AND EQUIPMENT KNOWLEDGE & USE REQUIREMENTS**

General understanding and knowledge of current technology available to ensure technology supports the current patron and community needs. Knowledge of current library systems and resources.

### **PHYSICAL DEMANDS**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.

While performing the duties of this job, the employee is frequently required to stand; walk; sit; use hands to finger, handle, feel or grasp; reach, grasp and torque with hands and arms; to speak, see, hear and smell. Employee must occasionally lift, carry, and move up to 25 pounds, frequently reach above and below shoulder height, and frequently required to push and /or pull. Other physical demands include frequently twisting, bending, crawling, squatting, kneeling, crouching, climbing and balancing.

### **WORK ENVIRONMENT**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The majority of the work is performed at Abbott Library. The employee will be expected to travel to various local, state and regional meetings, conference, etc.

### **WORK SCHEDULE**

#### **Hours and Benefits**

- The Library Director position is a salaried role. The Board of Trustees shall determine the minimum number of hours needed to fulfill this role. The Board of Trustees shall also establish the compensation for the Library Director within the Town of Sunapee compensation framework.
- Employee benefits shall be determined by the Town of Sunapee as presented in its Employee Handbook.
- The library shall observe the holidays identified in the Town of Sunapee Employee Handbook.
- The Library Director shall notify the Board of Trustees of personal vacation schedule.

**External and internal applicants, as well as position incumbents who become disabled as defined under the Americans with Disabilities Act, must be able to perform the essential job functions (as listed) either unaided or with the assistance of a reasonable accommodation to be determined by management on a case by case basis.**