

**Town of Auburn
Board of Selectmen
July 31, 2017
Town Hall
7:00 p.m.**

() Call to Order – Pledge of Allegiance

Approval of Payroll for Week of June 12th, 2017 - \$46,178.51
Approval of Accounts Payable for Week of July 17th, 2017 - \$271,047.83
Approval of Payroll for Week of July 24th, 2017 - \$44,357.98
Approval of Accounts Payable for Week of July 31st, 2017
Consent Agenda – as of July 31st, 2017

() Appointments with the Board

Bob Magnusson, Waste Management – Waste Oil Collection & Debris Disposal

Dan Tatem, Stantec – Review of Intersection of Ridge Court and Wilson Crossing Road

() New Business

Draft Policy for Restoring Involuntarily Merged Lots
Appointment to Fill Vacant Cemetery Trustee Position
Local Option for Allowance of Keno

() Old Business

Update on Supplemental Highway Block Grant Funds
Auction of Tax Deeded Properties – August 26th, 10 AM
Potential Sale of Limited Use Properties
NHDOT Response to Town Request – NH Route 121
Status of Town Hall Entrance Project
Dedication of Town Hall Meeting Room

() Other Business

() Minutes

- July 10th, 2017 Public Meeting

() Non-Public Session -- Pursuant to provisions of RSA 91-A: 3, II (e) –
Consideration of pending claims or litigation

() Adjourn

Note: "Any person with a disability who wishes to attend this public meeting and needs to be provided reasonable accommodations in order to participate, please contact the Board of Selectmen's Secretary at (603) 483-5052 x100, so that arrangements can be made."

AGREEMENT FOR HOST-TOWN BENEFITS

1. Parties:

This agreement shall constitute a contract by and between the Town of Auburn, New Hampshire, and Waste Management of New Hampshire, Inc. (Waste Management), for valid mutual consideration, the receipt of which is hereby acknowledged.

2. Date of Performance:

Unless otherwise specific herein, the terms of this contract shall become operational and effective on the first day of the month following the date of the issuance to Waste Management, of the certificate of completion/occupancy of a transfer station as proposed in its site plan application to Auburn's Planning Board and all other approvals required from any state agency. In addition, the performance of this Agreement shall be contingent on any and all necessary votes by the legislative body or any relevant board or agency of the Town of Auburn.

3. Transition in Services:

On the first day of the month following Waste Management's completion of the transfer station in Auburn, Waste Management shall commence operation of a Citizen Drop-Off Facility for the use and benefit of the citizens of the Town of Auburn. Auburn's incineration facility shall cease operation thirty days after the commencement of operation of the Citizen Drop-Off Facility. Auburn residents shall be directed to deliver household trash to Waste Management's Citizen Drop-Off Facility described below. Waste Management agrees to store trash, recyclables and other solid waste to the extent necessary to allow Waste Management to receive and process Auburn's waste appropriately. It shall be the responsibility of Waste Management to facilitate this transition in cooperation with the Solid Waste Commission, and to make all provisions necessary to accept all non-hazardous Auburn household

waste within thirty days prior to Auburn's cessation of operations at the incineration facility.

Waste Management shall also make provisions for the collection and disposal of oil and batteries from Town residents. General oversight of this Agreement shall be conducted by the Solid Waste Commission.

The two full time employees at Auburn's incinerator will be afforded the good faith opportunity to be interviewed and evaluated by Waste Management of New Hampshire for employment.

4. Citizen Drop-Off Facility:

Waste Management will provide the Town of Auburn with an Auburn Citizen Drop-Off Facility (the "Facility") at no charge to the citizens or the Town of Auburn, which will allow Auburn residents to dispose of non-hazardous solid waste and refuse including recyclable materials, light residential demolition and construction debris, leaves, brush, yard waste, appliances and tires. The terms solid waste and refuse shall be defined to include the materials defined in NH RSA 149-M:1(XVII-a) and (XIX) as well as the above mentioned items. Waste Management shall limit the use of the Facility to Auburn residents, and will work in conjunction with the Town Selectmen's Office and the Solid Waste Commission, to implement a program for the annual issuance of stickers, disposal stickers, passes, or labels identifying citizens' vehicles as being permitted for use of the Auburn Citizens' Drop-Off Facility. The issuance of the permits will be administered by the appropriate Town office.

5. Design of Citizens' Drop-Off Facility and Area:

The design of the Citizens' Drop-Off Facility and Area shall be solely the responsibility of Waste Management. The design and construction shall also be subject to the

approval of the Planning Board and Building Inspector. This portion shall be open for citizens 7:00 a.m. to 4:00 p.m. six (6) days per week.

Waste Management will provide all necessary personnel, equipment, containers and facilities necessary to operate the Citizens' Drop-Off Facility at no expense to the Town or its citizens.

6. Recycling:

The Town of Auburn shall continue its present recycling program which is overseen by the Solid Waste Commission, except that Auburn residents shall use the Citizens' Drop-Off Facility and Area to collect recyclables, including yard waste, instead of the incineration facility currently on Chester Turnpike. The creation of appropriate receptacles, labeling, and the exact manner of collecting recyclables will be the responsibility of Waste Management in cooperation with the Solid Waste Commission of Auburn. Appropriate receptacles shall also be provided for the collection of yard waste. The determination of what materials are recycled from the Town of Auburn shall be the responsibility of the Solid Waste Commission, subject to Board of Selectmen and Waste Management approval. The recyclables collected at the drop off area, and any revenues generated therefrom, shall become the sole property of Waste Management, and are hereby acknowledged to be adequate consideration for this agreement.

7. Hazardous Waste:

Waste Management will provide the Town of Auburn with Financial Reimbursement of the Town's existing Household Hazardous Waste Day (HHWD) collection program. Waste Management will pay in full all invoices received by the Town of Auburn relating to the HHWD program, not to exceed \$1,000 per year, adjusted annually by the increase in the Consumer

Price Index (US Average - All Urban Consumers). Waste Management shall arrange for the collection of oil grade #2 and batteries and sale of these items off site from their facility.

8. Commercial Haulers:

Waste Management will also allow commercial haulers carrying the solid waste of Auburn residents only, to utilize the transfer facility at no charge. For the purposes of this agreement, the definition of "commercial hauler" is that definition contained within the Town ordinance. All tipping fees charged by Waste Management to commercial haulers for non-Auburn household waste shall belong to Waste Management. (In the Town of Auburn, there are two haulers that charge a fee to take household solid waste to the current Auburn facility. This household waste, although not delivered by individuals, is not a chargeable commercial endeavor as defined by Town Ordinance.) Commercial haulers shall be allowed to utilize the facility at no charge so long as they haul Auburn residential waste only. Waste Management reserves the right to revoke the rights of any commercial hauler in the event Waste Management discovers that the commercial hauler is attempting or has attempted to mix waste from other communities with Auburn waste and declare it solely as Auburn waste.

9. Closure of Auburn Incinerator and Landfill:

Waste Management hereby agrees to provide financial assistance to the Town for closure and reclamation of the Town's existing landfill on Chester Turnpike. The intent is that the incinerator and the landfill sites be returned to their former state of environmentally pristine natural land. All costs, expenses, fees, surcharges, materials, costs, labor costs,

and other expenditures relating or pertaining to the reclamation and closure of the landfill and incinerator shall be paid by the Town of Auburn with funds provided by Waste Management. Waste Management will make said funds available to the Town within five (5) days of receipt of invoices provided by contractors to the Town for work performed at the landfill site. In no event will Waste Management's obligation hereunder exceed the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00), not including peer review services.

Waste Management shall also provide peer review services for the closure and reclamation process at no cost to Auburn to facilitate closure and reclamation at the least possible cost to Auburn. In no event shall the provision of said peer review services obligate or cause Waste Management to accept any legal responsibility or liability to any party with respect to the closure of said Town facility.

Waste Management shall furnish a letter of credit, performance bond, or other appropriate security in the amount of Fifty Thousand Dollars (\$50,000.00) to secure its performance of the terms outlined in this section.

10. Term of the Agreement:

This agreement shall be in effect for the duration of Waste Management's occupancy and operation of a transfer station within the Town of Auburn, New Hampshire, and shall have a term equal to the period of time during which Waste Management or its transferees, successors or assigns operate a transfer facility in the Town of Auburn, said term not to exceed forty (40) years. In the event Waste Management ceases to operate the Transfer Station or transfer it to another owner than such transferee or new operator shall be bound by the terms of this agreement and Waste Management shall have no further liability pursuant to this agreement.

Waste Management transferees, successors and assign agree that a transfer station for the citizens of Auburn shall remain open for a period of not less than five years.

Waste Management, its transferees, successors and assigns, hereby covenant not to construct an incinerator or landfill on the real property on which the transfer station is sited.

Waste Management agrees that the terms of this agreement may be incorporated in the conditions of approval issued by the Planning Board of the Town of Auburn.

11. Amendment:

This contract may be amended by the mutual consent of the Board of Selectmen and the management of Waste Management at any time, or if the parties mutually agree to amend the terms of this agreement when Waste Management applies for permit modification.

12. Reporting:

On a quarterly basis, Waste Management will provide the Town of Auburn statistical data on monthly volumes accepted into the facility and copies of all reports filed with the State of New Hampshire or the federal government with regard to the types of solid waste, volumes, and disposition of the materials processed through the transfer station.

13. General Terms:

Waste Management guarantees and covenants that incineration, landfill or handling of hazardous waste at the site of the transfer station will never occur. Should such activity be discovered by the Solid Waste Commission of Auburn or Zoning Officer, immediate cease and desist orders will be issued and the Town will be entitled to immediate injunctive relief, up to and including an order that the facility be closed. During such period as Waste Management is

in non-compliance with the Towns cease and desist order or any court injunction. Waste Management will pay all attorneys' fees and costs, including expert witness fees incurred by the Town in securing such injunctive relief if the Town successfully obtains said relief.

Notwithstanding anything herein to the contrary, Waste Management reserves the right to handle any hazardous waste inadvertently delivered to or received at the transfer station in any manner required by state, local, or federal authorities with jurisdiction over such matters.

14. Access to the Transfer Station:

Waste Management agrees that its trucks, other than those providing a service to the Town of Auburn, shall not use local Auburn roads. Waste Management shall place a provision in its contracts with third parties who will be tipping at the transfer station, requiring the third parties to access the transfer facility only via Route 28 By-Pass and Route 101. Waste Management shall use its best efforts to notify all users of the facility with which it does not have a contract, including its own vehicles, that access to the facility shall be via Route 101 and 28 By-Pass.

15. Surety Bond:

Waste Management and its successors and assigns shall carry a surety bond, insurance policy, or issue a letter of credit to the Town of Auburn in the amount of Two Hundred Thousand Dollars (\$200,000.00) at all times during the term of this contract to ensure that it performs its ongoing obligations with regard to the operation of the Auburn Citizens' Drop-Off Facility and Area.

16. Attorneys Fees and Costs:

Waste Management agrees to pay any and all reasonable attorneys' fees, costs and expert

witness fees incurred by the Town of Auburn should legal action be required to enforce any of the provisions of this contract to the extent any such legal action on the part of the Town is successful.

17. Incinerator Equipment:

At the option of Waste Management, Waste Management shall purchase the Town of Auburn's equipment currently used at the incineration facility at its fair market value.

18. Indemnification:


Waste Management hereby agrees to indemnify, defend, and hold harmless the Town of Auburn for any and all property damage, personal injury, spills, clean-up costs, civil fines, surcharges, attorneys' fees, expert witness and engineering fees associated with Waste Management's operation of its Transfer Facility and the Auburn Citizens' Drop-Off Facility. In addition, Waste Management shall provide to the Town of Auburn on an annual basis, proof of casualty and liability insurance including the Town of Auburn as an additional insured in the minimum amount of \$2,000,000.00 per occurrence.

THE TOWN OF AUBURN

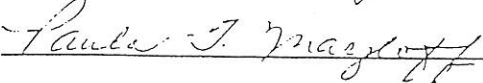
By its Selectmen,



February
January 5, 1996



February
January 5, 1996



February
January 5, 1996

WASTE MANAGEMENT OF NEW HAMPSHIRE, INC.

By its duly authorized representative,

John L. Berg

January 31st, 1996

TOWN OF AUBURN

POLICY FOR RESTORATION OF INVOLUNTARILY MERGED LOTS

In accordance with NH RSA 674:39-aa, any owner of lots merged by municipal action for zoning, assessing or taxation purposes prior to September 18, 2010 and without the consent of the owner, may request that the lots be restored to their pre-merger status.

This policy sets out the conditions and process the Town of Auburn will use to handle requests to restore these lots to their prior status.

In order to restore lots to their premerger status and all zoning and tax maps being updated to identify the premerger boundaries of said lots or parcels as recorded at the Rockingham County Registry of Deeds, provided:

- a. The request is submitted to the Auburn Board of Selectmen prior to December 31, 2021.
- b. No owner in the chain of title voluntarily merged his or her lots. If any owner in the chain of title voluntarily merged his or her lots, then all subsequent owners shall be estopped from requesting restoration. The municipality shall have the burden of proof to show that any previous owner voluntarily merged his or her lots.
- c. All decisions of the Board of Selectmen may be appealed in accordance with the provisions of RSA 676.
- d. The restoration of the lots to their premerger status shall not be deemed to cure any non-conformity with existing local land use ordinances.

Application Process for the Restoration of Involuntarily Merged Lots:

Owners interested in restoring involuntarily merged lots to their premerger status shall follow the following application process:

- 1) Complete the "Application for Restoration of Involuntarily Merged Lots" and submit it to the Board of Selectmen's Office.
 - a. Document the "pre-merger" configuration of any lots by providing the following with the application:
 - i. Most current deed(s) for the lots
 - ii. If the property was obtained from an estate (inherited), attach a copy of the statutory "Notice to Cities and Towns" if applicable
 - iii. Book and Page Numbers of Recorded Deeds
 - iv. Recorded Plan Numbers
 - v. Recorded Surveys (if available) which may depict the "pre-merger" configuration of the lots.

TOWN OF AUBURN
POLICY FOR RESTORATION OF INVOLUNTARILY MERGED LOTS

- vi. Unless such information already exists in the town records, if any part of the existing property is improved by structures, the Applicant must provide proof of location of all structures (including buildings, pools, fences, etc.), driveways, walkways and associated features; water supply wells; approximate location of septic tanks, leach beds or cesspools; and the superimposed lines of the pre-merger lot lines as requested by the Applicant.
 - vii. Abutters List (per RSA 672:3 an "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by local land use board, and/or
 - viii. Any other information documenting your request.
- 2) The Assessing Department and the Code Enforcement Officer shall review all documents and forward any comments and/or recommendation to the Town Administrator on behalf of the Board of Selectmen within fifteen (15) business days of the receipt of the "Application for Restoration of Involuntarily Merged Lots".
 - 3) If the Town Administrator deems it necessary, the application and supporting documents may be sent to Town Counsel for review
 - 4) The Town Administrator shall schedule consideration of the Application and supporting material during a regularly scheduled meeting of the Board of Selectmen within forty-five (45) days of submittal.
 - 5) If, upon review by the Board of Selectmen, the Board determines that additional information is required; up to an additional ten (10) days will be provided to produce the additional information.
 - 6) Within ninety (90) days from the date of submission, the Board of Selectmen shall render a determination on the Application at a meeting of the Board, and shall issue a written Notice of Decision to the Applicant(s) and the Assessing Department.
 - 7) Within five (5) business days of the date of the Board of Selectmen's final decision, a copy of the written Notice of Decision shall be sent via regular mail to the Applicant(s) and shall be posted with the Assessor's / Selectmen's Office.
 - 8) If the Application has been granted (in whole or in part), the appropriate changes will be noted on the Town Tax Maps, Zoning Map, Assessor records, and shall be recorded at the Registry of Deeds.
 - 9) The restoration of the lots to their pre-merger status shall not be deemed to cure any non-conformity with existing local land use ordinances.

TOWN OF AUBURN
POLICY FOR RESTORATION OF INVOLUNTARILY MERGED LOTS

Right to Appeal:

Any aggrieved party has a right to appeal the decision of the Board of Selectmen pursuant to the provisions of RSA 676.

The written Notice of Decision shall state the right to appeal.

Effective Date:

This policy shall take effect upon adoption.

Adopted by the Board of Selectmen the ____ day of _____, 2017.

James F. Headd

Richard W. Eaton

Dale W. Phillips
AUBURN BOARD OF SELECTMEN

Received and recorded this ____ day of _____, 2017

Kathleen A. Sylvia, Town Clerk

Town of Auburn, NH
**Application for Restoration of
Involuntarily Merged Lots Pursuant to RSA 674:39-aa**

Instructions & General Information for Restoration of Involuntarily Merged Lots

In accordance with RSA 674:39-aa, any owner of a lot or parcel of land merged by municipal action for zoning, assessing, or taxation purpose prior to September 18, 2010 and without the consent of the owner may request that the lots be restored to their premerger status and all zoning and tax maps shall be updated to identify the premerger boundaries of said lots or parcels as recorded at the Rockingham County Registry of Deeds, provided:

- a. The request is submitted to the Town of Auburn Board of Selectmen prior to December 31, 2021.*
- b. No owner in the chain of title voluntarily merged his or her lots. If any owner in the chain of title by any overt act or conduct voluntarily merged his or her lots, then all subsequent owners shall be estopped from requesting restoration. The municipality shall have the burden of proof to show that any previous owner voluntarily merged his or her lots.
- c. All decisions of the Town of Auburn Board of Selectmen may be appealed in accordance with the provisions of RSA 676. Prior to any action on the application by the Board of Selectmen, the property may be inspected by the Code Enforcement Officer with a report of that inspection and recommendation for action to be provided to the Board of Selectmen. By submission of this application, the property owner does hereby consent to the inspection of the property by the Town.
- d. The restoration of the lots to their premerger status shall not be deemed to cure any nonconformity with existing local land use ordinances.
- e. In the event the request is granted, the property owner will be required to pay the filing fee to register a Notice of Lot Restoration at the Rockingham County Registry of Deeds.

The procedure for requesting the Restoration of Involuntarily Merged Lots Pursuant to RSA 674:39-aa is as follows:

1. Complete the Application for Restoration of Involuntarily Merged Lots Pursuant to RSA 674:39- aa. The form must be typed or legible and completed in ink.
2. Attach copies of the following documents:
 - a. Deed(s) for each lot or parcel
 - b. Written Consent of each Mortgage Holder (if any)
 - c. Survey (if available)
 - d. Site plan (if available)
 - e. Approved subdivision plan (if available)
 - f. Pre-merger tax bills (if available)
 - g. If the property was obtained from an estate (inherited), attach copy of the statutory "Notice to Cities and Towns"
 - h. Any other documentation that you think is pertinent

Please be advised that the restoration of involuntarily merged lots may have assessment implications and may only be developed in accordance with the Ordinances of the Town of Auburn. If the request is granted, the assessment of the restored lots will be effective the following April 1st.

* RSA 674:39-aa, II (a) Amended effective August 23, 2016 (approved June 24, 2016)

Town of Auburn, NH
**Application for Restoration of
Involuntarily Merged Lots Pursuant to RSA 674:39-aa**

Applicant Information

Owner(s) Name _____ Address/Street Number _____ City & State _____ Telephone () _____

*Current Parcel Information (use additional sheet if more than three parcels involved)**

	Parcel 1	Parcel 2	Parcel 3
Assessor's Map/Lot/Sub			
Street Address			
Deed Reference Book/Page			

**Please attach a copy of the deed for each parcel. Please also attach any written consent of mortgage holders, relevant surveys, site plans, approved subdivision plans, pre-merger tax bills or other documentation that you think is pertinent. This application must be submitted to the Town of Gilmanton Board of Selectmen prior to December 31, 2021. Please see the Instructions & General Information for additional details. By submission of this application, the property owner does hereby consent to the inspection of the property by the Town.*

Owner's Signature _____

Date _____

Owner's Signature _____

Date _____

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Regulation of Subdivision of Land

Section 674:39-aa

674:39-aa Restoration of Involuntarily Merged Lots. –

I. In this section:

(a) "Involuntary merger" and "involuntarily merged" mean lots merged by municipal action for zoning, assessing, or taxation purposes without the consent of the owner.

(b) "Owner" means the person or entity that holds legal title to the lots in question, even if such person or entity did not hold legal title at the time of the involuntary merger.

(c) "Voluntary merger" and "voluntarily merged" mean a merger under RSA 674:39-a, or any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line.

II. Lots or parcels that were involuntarily merged prior to September 18, 2010 by a city, town, county, village district, or any other municipality, shall at the request of the owner, be restored to their premerger status and all zoning and tax maps shall be updated to identify the premerger boundaries of said lots or parcels as recorded at the appropriate registry of deeds, provided:

(a) The request is submitted to the governing body prior to December 31, 2021.

(b) No owner in the chain of title voluntarily merged his or her lots. If any owner in the chain of title voluntarily merged his or her lots, then all subsequent owners shall be estopped from requesting restoration. The municipality shall have the burden of proof to show that any previous owner voluntarily merged his or her lots.

III. All decisions of the governing body may be appealed in accordance with the provisions of RSA 676.

IV. Any municipality may adopt local ordinances, including ordinances enacted prior to the effective date of this section, to restore previously merged properties that are less restrictive than the provisions in paragraph I and II.

V. The restoration of the lots to their premerger status shall not be deemed to cure any non-conformity with existing local land use ordinances.

VI. Municipalities shall post a notice informing residents that any involuntarily merged lots may be restored to premerger status upon the owner's request. Such notice shall be posted in a public place no later than January 1, 2012 and shall remain posted through December 31, 2016. Each municipality shall also publish the same or similar notice in its 2011 through 2015 annual reports.

Source. 2011, 206:4, eff. July 24, 2011. 2016, 327:2, eff. Aug. 23, 2016.

July 19, 2017

Board of Selectmen
Town of Auburn, N. H.

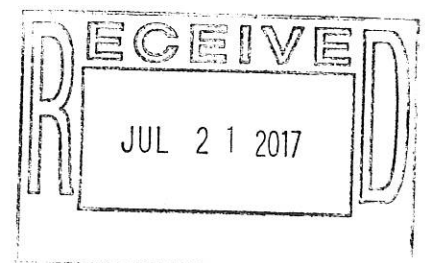
Dear Members of the Board,

We are pleased to announce that Mr. Paul Therrien, a former Cemetery Trustee, has agreed to fill the recent vacancy on our Board.

It is hoped that you will agree with our selection and formally approve his appointment.

Sincerely,


Don Dollard, Chairman
Cemetery Trustee



APPOINTMENT OATH OF OFFICE

To Paul Therrien of Auburn in the County of Rockingham

WHEREAS, there is a vacancy on the Auburn Cemetery Trustees in said town and whereas we, the subscribers, have confidence in your ability and integrity to perform the duties of said office, we do hereby appoint you the said, **Paul Therrien a Cemetery Trustee** of the Town of Auburn and upon your taking the oath of office, and having this appointment and the certificate of said oath of office recorded by the Town Clerk, you shall have the powers, perform the duties, and be subject to the liabilities of such office.
Term to expire March 2018

Given under our hands this 31st day of July 2017

Selectmen of the Town of Auburn

"I, Paul Therrien, do solemnly swear that I will faithfully and impartially discharge and perform all the duties incumbent on me as a Cemetery Trustee for the Town of Auburn to the best of my abilities, agreeably to the rules and regulations of the Constitution and Laws of the State of New Hampshire; So help me God."

Signature

Address

Phone

E-Mail

Personally appeared the above named, Paul Therrien took and subscribed the foregoing oath.

State of New Hampshire, Rockingham County

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On the ____ day of _____ of 2017

Selectman, Moderator,
Town Clerk or Deputy Town Clerk

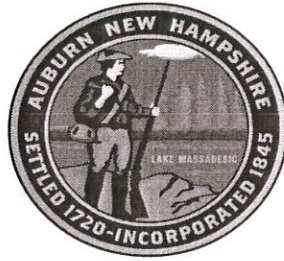
Received and Recorded

.....

Kathleen A. Sylvia, Town Clerk

Town of Auburn

Town Hall
47 Chester Road
P.O. Box 309
Auburn, NH 03032



Town Administrator

William G. Herman, CPM
Phone: (603) 483-5052 Ext. 111
Fax: (603) 483-0518
E-Mail:
townadmin@townofauburnnh.com

To: Board of Selectmen


From: Bill Herman, CPM, Town Administrator

Date: July 13, 2017

Re: Local Option for Allowance of Keno

I am sure you have seen the news accounts that the Legislature approved SB 191 which establishes keno gaming in New Hampshire and uses the proceeds to fund full-day kindergarten. Governor Sununu signed this bill into law on July 11th.

Under the new law, which amends RSA 284, the NH Lottery Commission will be responsible to administer and enforce the licensure, establishment and operation of keno gaming. The proceeds earned from keno will be put in the State's Education Trust Fund to be used to fund kindergarten grants to school districts.

One of the provisions of the law (RSA 284:51) establishes a local option with respect to whether the operation of keno games will be allowed in any given municipality.

The Board of Selectmen may choose to place the following question on the warrant for the March 2018 Town Meeting for a ballot vote by the voters: "Shall we allow the operation of keno games within the Town of Auburn?"

There are posting and a public hearing process we would have to follow with respect to the question if it is going to appear on the ballot.

As we understand the new statute, which took effect July 1, 2017, the question can be placed on the warrant by the Board of Selectmen or by petition signed by five (5) percent of the registered voters. There are currently 4,335 registered voters in Auburn, so the petition would require 217 signatures.

There is no decision the Board needs to make at this time. We are providing you this for your information and consideration should you want to place the question on the ballot in March 2018.

Attached is a copy of SB 191 as signed into law by the Governor.

Thank you for your consideration.

Attachment

CHAPTER 229
SB 191-FN - FINAL VERSION

03/30/2017 1190s
4May2017... 1516h
1Jun2017... 2022h
06/22/2017 2369CofC

2017 SESSION

17-0138
04/06

SENATE BILL **191-FN**

AN ACT establishing keno and relative to funding for kindergarten.

SPONSORS: Sen. Watters, Dist 4; Sen. D'Allesandro, Dist 20; Sen. Feltes, Dist 15; Sen. Hennessey, Dist 5; Sen. Kahn, Dist 10; Sen. Lasky, Dist 13; Sen. McGilvray, Dist 16; Sen. Reagan, Dist 17; Sen. Soucy, Dist 18; Sen. Ward, Dist 8; Sen. Woodburn, Dist 1; Rep. Gile, Merr. 27; Rep. Grenier, Sull. 7; Rep. Bates, Rock. 7

COMMITTEE: Education

AMENDED ANALYSIS

This bill establishes keno in New Hampshire and establishes a program to provide grants to kindergarten students.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struck through.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
03/30/2017 1190s
4May2017... 1516h
1Jun2017... 2022h
06/22/2017 2369CofC 17-0138
04/06

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT establishing keno and relative to funding for kindergarten. .

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

229:1 New Subdivision; Keno. Amend RSA 284 by inserting after section 40 the following new subdivision:

Keno

284:41 Definition. In this subdivision, "keno" means any game where a player purchases a ticket from a field of 80 numbers and selects a specific amount of numbers. A random number generator employed by

the lottery commission chooses 20 numbers at random and the player is paid out against his or her original wager.

284:42 Administration and Enforcement. The lottery commission shall administer and enforce this subdivision in any town or city that has voted to allow such gaming.

284:43 Rulemaking. The lottery commission shall adopt rules, pursuant to RSA 541-A, relative to:

- I. The application procedure for keno licenses.
- II. Information to be required on license applications.
- III. Procedures for a hearing following the revocation of a license.
- IV. The operation of keno games, including types and amounts of wagers.
- V. Information required and forms for submission of financial reports.
- VI. Guidelines for licensees under this subdivision to set transaction limits for daily, weekly, and monthly play of keno for individual keno players.

284:44 License Fees.

I. The license fee for a commercial premises keno license issued under RSA 284:46 shall be \$500 per year. Such fee shall be submitted to the lottery commission at the time the application is made and shall be refunded if the application is denied.

II. All net proceeds collected by the lottery commission under this section shall be deposited in the education trust fund established in RSA 198:39.

284:45 License Applications.

I. Applications shall be submitted to the lottery commission by the licensee. Proof of authority to submit the application on behalf of the licensee may be required.

II. Applications shall be made only on the forms supplied to the licensee by the lottery commission.

III. The application form shall be fully completed by the licensee.

IV. Applicants for commercial premises keno licenses shall be submitted at least 30 days before the first game date.

V. The applicant shall certify under oath that:

(a) The information provided on the application is accurate.

(b) Neither the applicant nor any employee will operate keno games if such person has been convicted of a felony within the previous 10 years which has not been annulled by a court, or a misdemeanor involving falsehood or dishonesty within the previous 5 years which has not been annulled by a court, or has violated the statutes or rules governing charitable gaming in this or any state.

(c) The applicant and any employee who will be participating in the operation of the keno games is aware of all statutes and rules applicable to the operation of keno games.

VI. To be eligible for licensure under this subdivision an applicant shall:

(a) Document that it is one of the following:

(1) A restaurant or hotel holding a valid liquor license under RSA 178:20, II, RSA 178:21, II(a) or (b), or RSA 178:22, V(q).

(2) A brew pub holding a valid liquor license under RSA 178:13.

(3) A ballroom holding a valid liquor license under RSA 178:22, V(c).

(4) A veterans' club, private club, or social club holding a valid liquor license under RSA 178:22, V(h).

(5) A convention center holding a valid liquor license under RSA 178:22, V(i).

(6) A hotel holding a valid liquor license under RSA 178:22, V(k).

(7) A racetrack holding a valid liquor license under RSA 178:22, V(n).

(8) A sports recreation facility holding a valid liquor license under RSA 178:22, V(v).

(b) Document that the keno games will only be operated in towns and cities that have voted to allow the operation of keno games pursuant to RSA 284:51.

(c) Maintain a current list of employees.

(d) Document that no minor under the age of 18 shall be allowed to purchase or redeem a keno ticket.

VII. A suspension or revocation of a liquor license shall result in the immediate suspension of the keno license issued under this chapter.

284:46 License; Issuance.

I. Upon receipt of an application under RSA 284:45 the lottery commission shall review the application and shall, in writing, grant or deny the application within 45 days of receipt.

II. The lottery commission shall deny a license application for any one of the following reasons:

(a) The license of the applicant has been previously revoked by the commission.

(b) The applicant has been convicted of a crime provided for in this chapter or in any other chapter for any gaming offense.

(c) The applicant loses his or her liquor license after submitting the application.

III. No person who has been convicted of a felony or class A misdemeanor within the previous 10 years which has not been annulled by a court, or a class B misdemeanor within the past 5 years which has not been annulled by a court, or who has violated any of the statutes or rules governing charitable gambling in the past in this or in any other state shall be licensed under this subdivision, or rent, lease, sublease, or otherwise provide any hall or keno paraphernalia for the conduct of keno licensed under this subdivision.

IV. The lottery commission shall only issue a license for an eligible location where keno tickets shall be sold and the game played within the area apportioned to distribute beverages pursuant to RSA 284:45.

The lottery commission shall control the installation of the keno ticket terminals and ensure that the sale of the tickets is limited to the area apportioned to distribute beverages pursuant to RSA 284:45.

284:47 Operation of Keno Games.

I. A licensee may operate keno games at its business between the hours of 11 a.m. and 11 p.m.

II. A licensee may retain 8 percent of the proceeds from keno games. Of the remaining 92 percent:

(a) One percent shall be paid to the department of health and human services to support research, prevention, intervention, and treatment services for problem gamblers.

(b) The remainder, less the administrative costs of the lottery commission and prize payouts, shall be deposited in the education trust fund established in RSA 198:39.

III. No person who has been convicted of a felony or class A misdemeanor within the previous 10 years which has not been annulled by a court, or a class B misdemeanor within the past 5 years which has not been annulled by a court, or who has violated any of the statutes or rules governing charitable gambling in the past in this or any other state shall operate a keno game licensed under this subdivision, or rent, lease, sublease, or otherwise provide any hall or keno paraphernalia for the conduct of keno licensed under this subdivision.

IV. No one under the age of 18 years shall be allowed to purchase or redeem a keno ticket.

284:48 Financial Reports and Inspection Required.

I. Any person which has been licensed to conduct keno games shall submit a complete financial report to the lottery commission for each license issued under RSA 284:46 within 15 days after the expiration of each license, provided, however, a complete monthly financial report shall be submitted in a timely fashion to the commission for each month covered by a license issued under RSA 284:46 on a form to be approved by the lottery commission.

II. All licensees shall maintain a separate checking account for the deposit and disbursement of all income relating to keno, except cash prizes awarded at the games. All expenses shall be paid by check,

and all prizes of \$500 or more shall be paid by check. No keno funds shall be commingled with other funds of the licensee. The licensee shall retain all canceled checks for the payment of expenses and prizes for at least 2 years from the date of the check. The licensee shall not cash checks which it issues.

III. All financial reports filed by the licensee shall be maintained by the lottery commission for a period of one year from the date of filing and shall be open to public inspection.

IV. All financial records pertaining to the operation of keno games shall be maintained by the licensee and shall be made available to representatives of the lottery commission or of the commissioner of the department of safety upon request.

V. A licensee which has been licensed to conduct keno games shall maintain complete and accurate documentation of all revenues and expenses contained in the financial reports for at least 2 years from the date the financial report is filed.

284:49 Suspension; Revocation. The commission may suspend or revoke the license of any licensee who violates any provision of this subdivision. Any licensee whose license is revoked shall not be eligible for licensure for a period of up to one year from the date of revocation.

284:50 Rehearing and Appeal. Any person aggrieved by a decision of the commission to deny or revoke a keno license may apply to the commission for a rehearing within 15 business days of the decision. Rehearings and appeals shall be governed by RSA 541.

284:51 Local Option.

I. Any town or city may allow the operation of keno games according to the provisions of this subdivision, in the following manner:

(a) In a town, the question shall be placed on the warrant of an annual town meeting under the procedures set out in RSA 39:3, and shall be voted on a ballot. In a city, the legislative body may vote to place the question on the official ballot for any regular municipal election, or, in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

(b) The selectmen, aldermen, or city council shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(c) The wording of the question shall be substantially as follows: "Shall we allow the operation of keno games within the town or city?"

II. If a majority of those voting on the question vote "Yes," keno games may be operated within the town or city.

III. If the question is not approved, the question may later be voted upon according to the provisions of paragraph I at the next annual town meeting or regular municipal election.

IV. A municipality that has voted to allow the operation of keno games may consider rescinding its action in the manner described in paragraph I of this section.

V. The lottery commission shall maintain a list of municipalities where keno is available.

229:2 Application of Receipts; Education Trust Fund. Amend RSA 6:12, I(b)(65) to read as follows:

(65) Money received under RSA 77-A, RSA 77-E, RSA 78, RSA 78-A, RSA 78-B, RSA 83-F, ***RSA 284:44 and RSA 284:47***, and from the sweepstakes fund, which shall be credited to the education trust fund under RSA 198:39.

229:3 Education Trust Fund; Keno Profits Added. Amend RSA 198:39, I(k) to read as follows:

(k) Funds collected and paid over to the state treasurer by the lottery commission pursuant to RSA 284:44 and RSA 284:47.

(l) Any other moneys appropriated from the general fund.

229:4 New Section; School Money; Kindergarten Grants. Amend RSA 198 by inserting after section 48-b the following new section:

198:48-c Kindergarten Grants.

I.(a) For fiscal year 2019, in addition to any funds received pursuant to RSA 198:40-a, in the first year that a school district or chartered public school that operates an approved full-day kindergarten program, the commissioner of the department of education shall calculate and distribute a grant of \$1,100 per kindergarten pupil based on the enrollment number of eligible full-day kindergarten pupils on the first day of the school year. The superintendent, or designee, shall certify the enrollment number of kindergarten pupils to the commissioner.

(b) For fiscal year 2019, once pupils enrolled in an approved full-day kindergarten program have been counted in the school district's average daily membership in attendance as defined in RSA 198:38, I, a school district, or a chartered public school based on its kindergarten average daily membership enrollment number, shall receive, in addition to any funds received pursuant to RSA 198:40-a, an additional grant of \$1,100 per kindergarten pupil attending a full-day kindergarten program. The commissioner shall certify the amount of the grant to the state treasurer and direct the payment thereof from the education trust fund established in RSA 198:39 to the school district or chartered public school.

(c) Grants shall be disbursed to a school district pursuant to the distribution schedule in RSA 198:42 and to a chartered public school pursuant to the distribution schedule in RSA 194-B:11, I(c).

(d) The amount necessary to fund the grants under this section is hereby appropriated to the department from the education trust fund. The governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this section.

II. A school district or chartered public school that operates an approved full-day kindergarten program for which it receives funding under this section shall permit a pupil to attend kindergarten for a half-day.

III.(a) For fiscal year 2020 and each fiscal year thereafter, in addition to any funds received pursuant to RSA 198:40-a, the department of education shall distribute a total kindergarten grant, pursuant to RSA 198:40-a, for the remaining 1/2 of each average daily membership not counted under RSA 198:40-a to each school district or chartered public school that operates an approved full-day kindergarten program. If the amount of revenue raised through keno is insufficient to fully fund the distribution of grants under this section, the revenue shall be prorated proportionally based on entitlement among the districts entitled to a grant. The prorated portion of this grant shall not be less than the per pupil amount disbursed under paragraph I(b).

(b) Grants shall be disbursed to a school district pursuant to the distribution schedule in RSA 198:42 and to a chartered public school pursuant to the distribution schedule in RSA 194-B:11, I(c).

(c) The amount necessary to fund the grants under this paragraph is hereby appropriated to the department from the education trust fund. The governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this section.

229:5 Applicability. Kindergarten grants pursuant to RSA 198:48-c as inserted by section 4 of this act shall not be disbursed before July 1, 2018.

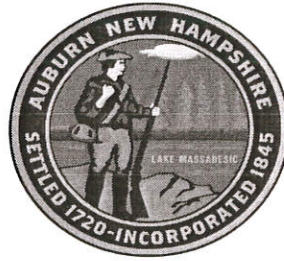
229:6 Effective Date. This act shall take effect July 1, 2017.

Approved: July 12, 2017

Effective Date: July 01, 2017

Town of Auburn

Town Hall
47 Chester Road
P.O. Box 309
Auburn, NH 03032



Town Administrator

William G. Herman, CPM
Phone: (603) 483-5052 Ext. 111
Fax: (603) 483-0518
E-Mail:
townadmin@townofauburnnh.com

To: Board of Selectmen

From: Bill Herman, CPM, Town Administrator

Date: July 18, 2017

Re: Supplemental Highway Block Grant Funds

Since our report to you last month on the passage of Senate Bill 38 by the New Hampshire Legislature, Governor Sununu signed the bill into law on July 11, 2017. The legislation makes an appropriation of an additional \$36.8 million for local highway aid and the municipal bridge program. Portions of the bill became effective on July 1, 2017, while other portions took effect on July 11th.

Funding for this effort is coming from the anticipated \$90+ million surplus in the State operating budget that ended on June 30, 2017. These funds are separate from the state operating budget for FY 2018 & 2019. The bill includes \$30 million for local highway aid to be issued in State fiscal year 2018 and \$6.8 million for bridge aid.

We anticipate information will be forthcoming from the NH Department of Transportation (NHDOT) with respect to how much money will Auburn receive and when are we likely to receive it. The legislation specifies the additional local highway aid is designated not to be used to supplant existing approved Town expenditures, but to be used for additional work not included in the current Town budget. As it is likely the funding will not be available until fall and too late to use this year, the legislation allows municipalities to carry the money forward into the next year.

For Auburn, at this point our understanding is the additional local highway aid would result in an additional payment through the Highway Block Grant system that would be equal to approximately 90% of a regular year's payment, which was \$160,000 in 2016. From the attached spreadsheet dated July 18th, we are anticipating a payment of approximately \$137,228.26 in additional funds.

It is yet to be determined how the additional bridge aid funds will affect Auburn's schedule for the Griffin Mill Bridge. The funding is supposed to be aimed at red listed bridges, which the Griffin Mill Bridge is. By rough estimates, the additional \$6.8 million will cover somewhere between seven and 10 projects. State officials will work from the current list of bridges in the pipeline for State Bridge Aid funds and make it go as far as they can. It is possible the Griffin Mill Bridge project will receive funding from this additional money. If it doesn't, it will definitely be moved up on the schedule from the current FY 2021 (July 1, 2020 through June 30, 2021) slot we are in.

Thank you for your consideration.

Attachments

SB 38 Anticipated Additional Block Grant Funds

Town	Amount		Town	Amount		Town	Amount
ACWORTH	\$ 72,086.46		CONWAY	\$ 217,101.73		HAMPTON FALLS	\$ 58,096.79
ALBANY	\$ 32,933.31		CORNISH	\$ 85,333.36		HANCOCK	\$ 78,547.86
ALEXANDRIA	\$ 72,658.34		CROYDON	\$ 33,002.10		HANOVER	\$ 248,393.71
ALLENSTOWN	\$ 76,856.98		DALTON	\$ 52,929.77		HARRISVILLE	\$ 50,369.83
ALSTEAD	\$ 81,774.93		DANBURY	\$ 74,654.37		HARTS LOCATION	\$ 1,792.47
ALTON	\$ 165,571.33		DANVILLE	\$ 94,048.36		HAVERHILL	\$ 151,249.73
AMHERST	\$ 280,493.03		DEERFIELD	\$ 126,130.50		HEBRON	\$ 23,796.90
ANDOVER	\$ 86,062.34		DEERING	\$ 81,627.38		HENNIKER	\$ 147,118.94
ANTRIM	\$ 81,164.40		DERRY	\$ 578,085.30		HILL	\$ 44,427.71
ASHLAND	\$ 48,654.35		DORCHESTER	\$ 21,594.75		HILLSBOROUGH	\$ 149,282.02
ATKINSON	\$ 136,793.59		DOVER	\$ 510,718.15		HINSDALE	\$ 83,438.37
AUBURN	\$ 137,228.26		DUBLIN	\$ 67,861.74		HOLDERNESS	\$ 61,807.53
BARNSTEAD	\$ 152,093.03		DUMMER	\$ 15,012.22		HOLLIS	\$ 192,344.55
BARRINGTON	\$ 185,620.26		DUNBARTON	\$ 85,002.15		HOOKSETT	\$ 260,243.87
BARTLETT	\$ 89,588.71		DURHAM	\$ 255,707.79		HOPKINTON	\$ 162,889.34
BATH	\$ 63,020.88		EAST KINGSTON	\$ 45,044.75		HUDSON	\$ 465,327.21
BEDFORD	\$ 487,073.81		EASTON	\$ 7,383.99		JACKSON	\$ 35,018.26
BELMONT	\$ 165,695.70		EATON	\$ 36,300.66		JAFFREY	\$ 138,878.11
BENNINGTON	\$ 37,913.09		EFFINGHAM	\$ 69,100.27		JEFFERSON	\$ 39,659.10
BENTON	\$ 12,851.15		ELLSWORTH	\$ 4,949.05		KEENE	\$ 417,356.69
BERLIN	\$ 203,779.42		ENFIELD	\$ 122,160.33		KENSINGTON	\$ 48,895.45
BETHLEHEM	\$ 92,464.87		EPPING	\$ 162,218.13		KINGSTON	\$ 146,515.92
BOSCAWEN	\$ 73,268.85		EPSOM	\$ 110,869.90		LACONIA	\$ 294,633.74
BOW	\$ 189,508.60		ERROL	\$ 4,138.04		LANCASTER	\$ 91,162.53
BRADFORD	\$ 76,730.84		EXETER	\$ 254,066.33		LANDAFF	\$ 25,021.00
BRENTWOOD	\$ 101,752.61		FARMINGTON	\$ 141,656.25		LANGDON	\$ 36,534.81
BRIDGEWATER	\$ 45,016.78		FITZWILLIAM	\$ 86,568.00		LEBANON	\$ 273,615.37
BRISTOL	\$ 80,398.83		FRANCESTOWN	\$ 81,510.08		LEE	\$ 95,184.52
BROOKFIELD	\$ 28,058.28		FRANCONIA	\$ 45,704.63		LEMPSTER	\$ 57,185.66
BROOKLINE	\$ 121,255.95		FRANKLIN	\$ 176,447.66		LINCOLN	\$ 31,043.34
CAMPTON	\$ 110,563.26		FREEDOM	\$ 74,308.73		LISBON	\$ 67,230.37
CANAAN	\$ 135,406.88		FREMONT	\$ 99,049.55		LITCHFIELD	\$ 172,648.92
CANDIA	\$ 96,707.76		GILFORD	\$ 191,147.01		LITTLETON	\$ 151,304.77
CANTERBURY	\$ 81,550.75		GILMANTON	\$ 131,713.87		LONDONDERRY	\$ 519,823.38
CARROLL	\$ 22,623.63		GILSUM	\$ 27,668.43		LOUDON	\$ 150,484.12
CENTER HARBOR	\$ 34,105.14		GOFFSTOWN	\$ 364,762.56		LYMAN	\$ 41,972.66
CHARLESTOWN	\$ 133,664.36		GORHAM	\$ 53,385.76		LYME	\$ 82,896.45
CHATHAM	\$ 11,847.45		GOSHEN	\$ 26,532.71		LYNDEBOROUGH	\$ 73,510.00
CHESTER	\$ 122,044.18		GRAFTON	\$ 76,764.90		MADBURY	\$ 46,425.84
CHESTERFIELD	\$ 129,263.03		GRANTHAM	\$ 57,836.53		MADISON	\$ 86,930.03
CHICHESTER	\$ 77,562.26		GREENFIELD	\$ 65,489.72		MANCHESTER	\$ 1,735,513.41
CLAREMONT	\$ 277,379.33		GREENLAND	\$ 72,684.30		MARLBOROUGH	\$ 64,956.48
CLARKSVILLE	\$ 17,826.33		GREENVILLE	\$ 37,076.27		MARLOW	\$ 38,313.61
COLEBROOK	\$ 81,270.73		GROTON	\$ 22,365.19		MASON	\$ 65,097.24
COLUMBIA	\$ 35,694.10		HAMPSTEAD	\$ 171,402.52		MEREDITH	\$ 182,156.66
CONCORD	\$ 749,030.26		HAMPTON	\$ 267,543.46		MERRIMACK	\$ 499,328.45

SB 38 Anticipated Additional Block Grant Funds

Town		Amount	Town		Amount	Town		Amount
MIDDLETON	\$	52,422.56	RANDOLPH	\$	14,428.19	WAKEFIELD	\$	116,009.33
MILAN	\$	39,924.08	RAYMOND	\$	208,978.67	WALPOLE	\$	119,999.51
MILFORD	\$	278,330.86	RICHMOND	\$	48,366.95	WARNER	\$	111,248.88
MILTON	\$	110,217.34	RINDGE	\$	151,906.73	WARREN	\$	31,964.87
MONROE	\$	28,751.55	ROCHESTER	\$	530,588.40	WASHINGTON	\$	53,479.93
MONT VERNON	\$	79,380.02	ROLLINSFORD	\$	49,829.42	WATERVILLE VALLEY	\$	11,246.51
MOULTONBOROUGH	\$	125,625.98	ROXBURY	\$	15,190.14	WEARE	\$	237,654.30
NASHUA	\$	1,363,049.37	RUMNEY	\$	44,975.93	WEBSTER	\$	61,243.04
NELSON	\$	37,112.88	RYE	\$	116,403.92	WENTWORTH	\$	48,486.27
NEW BOSTON	\$	172,728.33	SALEM	\$	552,996.47	WESTMORELAND	\$	71,440.94
NEW CASTLE	\$	16,860.27	SALISBURY	\$	58,171.98	WHITEFIELD	\$	67,763.70
NEW DURHAM	\$	96,699.83	SANBORNTON	\$	118,042.57	WILMOT	\$	71,639.23
NEW HAMPTON	\$	89,565.91	SANDOWN	\$	139,710.51	WILTON	\$	107,455.42
NEW IPSWICH	\$	127,554.54	SANDWICH	\$	96,322.60	WINCHESTER	\$	119,854.35
NEW LONDON	\$	116,424.76	SEABROOK	\$	152,200.37	WINDHAM	\$	285,146.34
NEWBURY	\$	100,501.82	SHARON	\$	17,496.18	WINDSOR	\$	3,647.04
NEWFIELDS	\$	36,604.32	SHELBURNE	\$	11,078.93	WOLFEBORO	\$	153,088.07
NEWINGTON	\$	32,300.87	SOMERSWORTH	\$	195,014.44	WOODSTOCK	\$	25,429.67
NEWMARKET	\$	154,378.12	SOUTH HAMPTON	\$	19,688.47			
NEWPORT	\$	153,815.88	SPRINGFIELD	\$	50,713.24	TOTAL	\$	30,000,000.00
NEWTON	\$	91,992.34	STARK	\$	36,943.29			
NORTH HAMPTON	\$	87,772.48	STEWARTSTOWN	\$	55,045.52			
NORTHFIELD	\$	108,614.25	STODDARD	\$	30,910.23			
NORTHUMBERLAND	\$	43,970.39	STRAFFORD	\$	108,294.38			
NORTHWOOD	\$	87,444.57	STRATFORD	\$	18,449.97			
NOTTINGHAM	\$	128,171.96	STRATHAM	\$	147,929.13			
ORANGE	\$	18,920.02	SUGAR HILL	\$	43,644.01			
ORFORD	\$	54,779.91	SULLIVAN	\$	33,289.92			
OSSIPEE	\$	153,081.10	SUNAPEE	\$	104,429.79			
PELHAM	\$	272,071.37	SURRY	\$	22,142.85			
PEMBROKE	\$	141,062.92	SUTTON	\$	95,299.14			
PETERBOROUGH	\$	163,965.41	SWANZEY	\$	161,803.33			
PIERMONT	\$	31,534.59	TAMWORTH	\$	109,293.20			
PITTSBURG	\$	54,064.71	TEMPLE	\$	62,218.06			
PITTSFIELD	\$	99,212.55	THORNTON	\$	89,162.43			
PLAINFIELD	\$	99,290.51	TILTON	\$	54,428.79			
PLAISTOW	\$	132,005.19	TROY	\$	47,471.58			
PLYMOUTH	\$	126,577.32	TUFTONBORO	\$	70,710.48			
PORTSMOUTH	\$	369,065.05	UNITY	\$	73,795.06			

CHAPTER 227
SB 38-FN - FINAL VERSION

03/23/2017 0897s
4May2017... 1437h
1Jun2017... 1998h

2017 SESSION

17-0130
06/01

SENATE BILL **38-FN**

AN ACT making an appropriation to the department of transportation for local highway aid and aid for municipal bridges, relative to distribution of highway aid, and relative to red list bridges.

SPONSORS: Sen. Morse, Dist 22; Sen. Bradley, Dist 3; Sen. Reagan, Dist 17; Sen. Daniels, Dist 11; Sen. D'Allesandro, Dist 20; Sen. Giuda, Dist 2; Sen. Feltes, Dist 15

COMMITTEE: Finance

AMENDED ANALYSIS

This bill:

- I. Makes an appropriation to the department of transportation for local highway aid and municipal bridge aid.
- II. Modifies the distribution of betterment funds.
- III. Clarifies the criteria for red list bridges.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

03/23/2017 0897s
4May2017... 1437h
1Jun2017... 1998h 17-0130
06/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT making an appropriation to the department of transportation for local highway aid and aid for municipal bridges, relative to distribution of highway aid, and relative to red list bridges.

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

227:1 Purpose Statement. The general court recognizes that there is a need to provide targeted funding for local infrastructure projects. Therefore, it is the intent of this act to designate certain surplus funds in the 2016-2017 biennial budget for providing grants to fund local infrastructure projects in accordance with the purposes and provisions of this act and to further clarify the criteria for red list bridges.

227:2 Department of Transportation; Appropriation.

I. There is hereby appropriated to the department of transportation the sum of \$36,800,000 for the fiscal year ending June 30, 2017, which shall be nonlapsing and expended pursuant to paragraph II. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum appropriated in paragraph I shall be allocated as follows:

(a) \$30,000,000 shall be expended for additional "Apportionment A" distributions under RSA 235:23, I.

(b) \$6,800,000 shall be expended for state bridge aid for municipal bridges under RSA 234.

III. No funds appropriated in paragraph I shall be used for supplanting locally budgeted and approved funds for road or bridge maintenance or construction. The funds appropriated in paragraph I may be considered unanticipated money under RSA 31:95-b and may be accepted and expended pursuant to RSA 31:95-b, II through IV, whether or not a town has adopted the provisions of RSA 31:95-b.

227:3 Federal and State Highway Aid; Construction and Reconstruction. Amend RSA 235:23-a, III to read as follows:

III. ***Excluding funds under RSA 260:32-b, III(c) that are used for bridge work***, the commissioner, ***based on budget appropriations***, shall allocate ***and expend at least 70 percent of*** the funds in the highway and bridge betterment account for the 6 state highway districts in the following priority:

(a) [Repealed.]

(b) For each state highway district in the state, based upon a formula in which 1/2 of the amount of the funds distributed is based upon the proportion which the mileage of state-maintained class I, class II, and class III highways, excluding turnpikes, in each district, as of January 1 of the previous year, bears to the total of such mileage in the state; and 1/2 of the amount of the funds distributed is based upon the proportion which the number of state maintained class I, class II and class III highway bridges, excluding turnpikes, in each district as of January 1 of the previous year bears to the total of such number of bridges in the state. ***Due to timing of contracted work and actual expenditures, the commissioner shall use a rolling 5-year average to ensure that a minimum of 70 percent of the funds are expended in each district based on the formula. The commissioner shall distribute the remaining funds on a statewide basis to achieve regional equity based on condition, taking into account deviations in bid prices and existing infrastructure condition, excluding funds used for emergency repair.***

227:4 Red List Bridges. Amend RSA 234:25-a, I to read as follows:

I. The commissioner of transportation shall establish and maintain a list of ***highway*** bridges that are found, after inspection by the department, to be structurally deficient, which shall be known as red list bridges. ***This list shall also include structurally deficient state-owned railroad bridges over highways.***

227:5 New Paragraph; Red List Bridges; Definition. Amend RSA 234:25-a by inserting after paragraph IV the following new paragraph:

V. In this chapter, a structurally deficient bridge means a bridge with a primary element in poor or worse condition (National Bridge Inventory (NBI) rating of 4 or less).

227:6 Inspection of Red List Bridges. Amend RSA 234:25-b to read as follows:

234:25-b Inspection of Red List Bridges; Report.

I. The department of transportation shall inspect every **red list** state-owned bridge on the red list biannually and every **red list** municipal bridge annually **as a minimum**.

II. The department of transportation shall annually provide a complete list of state-owned and municipally-owned red list bridges to the governor, the executive council, the speaker of the house of representatives, the president of the senate, and the house and senate standing committees with jurisdiction over highways and bridges. Additionally the department shall annually notify the governing bodies of municipalities of any red list bridges owned by such municipality and any state-owned red list bridge within such municipality. These reports and notifications shall be provided on or before ~~February~~ **April 1** of each year.

227:7 Effective Date.

I. Sections 3 through 6 of this act shall take effect July 1, 2017.

II. The remainder of this act shall take effect upon its passage.

Approved: July 11, 2017

Effective Date:

I. Sections 3-6 effective July 1, 2017

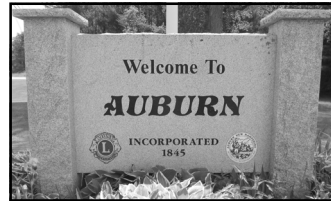
II. Remainder effective July 11, 2017

(3) TAX-DEEDED PROPERTIES IN AUBURN, NH
AT ABSOLUTE AUCTION

(3) WOODED LOTS NEAR MASSABESIC LAKE
SATURDAY, AUGUST 26 AT 10:00 AM

Sale to be held at Sun Valley Park, Appletree Road, Auburn, NH
Registration begins at Sun Valley Park at 9:00 AM on day of sale

ID #17-220 • We have been retained by the Town of Auburn to sell at Public Auction these (3) properties which were acquired by Tax Collector's Deed. These properties will be sold at **ABSOLUTE AUCTION** (*no minimums! no reserves!*) and appeal to investors, builders, abutters, end users, or someone just looking for a good deal!



The (3) vacant lots are located in a quiet residential neighborhood near the southeast end of Massabesic Lake and convenient to Route 121. There is a community park with playground and basketball court. Zoning is Residential R1 & R2.

■ **Sale #1 — 13 Appletree Road, Tax Map 17, Lot 6** • 3.056± acre lot with 349.06± FF • Assessed value: \$104,500.

■ **Sale #2 — Appletree Road, Tax Map 17, Lot 18** • 1.033± acre lot with 150± FF along both Appletree Road and Oaktree Road • Assessed value: \$93,200.

■ **Sale #3 — Pinetree Road, Tax Map 17, Lot 84** • 0.66± acre lot with 157.23± FF • Assessed value: \$88,600.

10% BUYER'S PREMIUM PAYABLE TO AUCTIONEER DUE AT CLOSING

PREVIEW: Lots are marked. A drive-by is recommended. **TERMS:** \$2,500 deposit for each parcel by cash, certified check, bank check, or other form of payment acceptable to the Town of Auburn at time of sale, balance due within 45 days. Conveyance by deed without covenants. **Properties are sold "AS IS, WHERE IS" subject to all outstanding liens, if any.** Other terms may be announced at time of sale.

All information herein is believed but not warranted to be correct. All interested parties are advised to make independent investigation of all matters they deem relevant.

Plot plans, photos, brochure & more details are available on our website

NH Lic.
#2279

James R. St. Jean
AUCTIONEERS

603-734-4348 ■ www.jsjauctions.com



James R. St. Jean

A U C T I O N E E R S

July 19, 2017

William Herman, Town Administrator
Town of Auburn
P.O. Box 309
Auburn, NH 03032

RE: Tax Deeded Property, Auburn, NH - Proposed Fees & Expenses

Dear Bill,

Based on the Board of Selectmen's decision to include three parcels in the auction I've revised our budget and fee structure. Enclosed is a breakdown of advertising and the fee structure for the proposed absolute auction sale of the Sun Valley lots. We suggest a \$2,500.00 deposit for each of the lots with a closing date of not more than 45 days from the sale date. It is our understanding that the properties will be sold at absolute auction that is with no minimum or reserve bids. Should the Town of Auburn decide to place reserve bids on the lots, we would recommend that those reserve bids be in the \$10,000 - \$15,000 per lot range. We suggest selling the lots from a central location in the Sun Valley neighborhood on a Saturday morning in late August or after Labor Day weekend.

Of Ads Publication

- | | |
|---|--|
| 2 | Manchester Union Leader |
| 1 | NH Sunday News |
| 2 | Neighborhood Newspapers (Bedford, Goffstown, Hooksett) |

In addition to the above advertisements, a two-color, one-page E-blast brochure detailing the auction properties will be produced and forwarded electronically to over 7,500 individuals on our E-mail list who have expressed interest in similar auction properties.

TOTAL APPROXIMATE ADVERTISING:

\$1,850.00

FEE STRUCTURE

A. Third party bids and closes on properties at auction:

1. 10% buyer's premium charged to buyer.
2. All expenses and advertising paid by St. Jean Auctioneers.
3. **NO FEES OR EXPENSES CHARGED TO TOWN OF AUBURN**

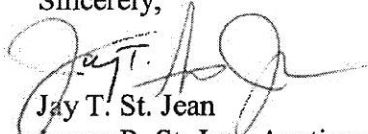
- B. Third party bids and fails to close on properties at auction:
1. Town of Auburn retains bidder's deposit.
 2. Fee of 50% of retained deposits paid to St. Jean Auctioneers
- C. Town of Auburn removes lot(s) from sale once marketing effort commences or fails to deliver title to property(s) at closing:
1. Flat fee of \$250.00 per property charged to Town of Auburn
 2. Advertising paid by the Town of Auburn (if 2 or more properties are removed)

SERVICES PROVIDED FOR AUCTION INCLUDE:


- auction posted on our website: www.jsjauctions.com for three weeks prior to sale
- showing property as requested by potential bidders
- marking boundary lines on properties if permitted
- brochure mailed to abutter's of all properties
- auction signs displayed on property if permitted
- copies of Purchase & Sales Agreement, brochures and plot plan properly displayed at auction sale
- outstanding real estate taxes including interest and cost through day of sale made available (if applicable)
- voice recording of sale

If you need further information, please do not hesitate to contact me.

Sincerely,


Jay T. St. Jean
James R. St. Jean Auctioneers

Approved by:


William G. Heron
7/15/17

Date:

For: **TOWN OF AUBURN**

TOWN OWNED PROPERTIES FOR BOS REVIEW

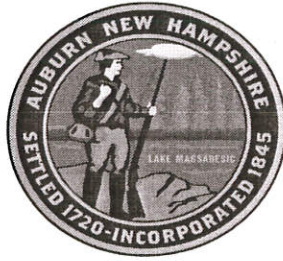
	<u>Tax Map / Lot</u>	<u>Location</u>	<u>Acres</u>	<u>Year</u>	<u>How Acquired</u>	<u>Book</u>	<u>Page</u>
#1	TM 1, L 7	Land, Rattlesnake Hill Road	42 acres	1999	Tax Collector Deed	3415	1621
#2	TM 1, L 36	Land, Cameo Court	26.509 acres	1992	Warranty Deed	2918	1997
#3	TM 1, L 36-1	Land, Ridge Court	23.800 acres	1988	Donated		
#4	TM 2, L 40	Land, Pingree Hill Road	34.000 acres	1976	Tax Collector Deed	2268	546
#5	TM 2, L 48	Land, Pingree Hill Road	1.000 acre	1997	Tax Collector Deed	3218	2298
#6	TM 2, L 50	Land, off Pingree Hill Road	7.500 acres	1983	Tax Collector Deed	2445	294
#7	TM 4, L 24 - 11	Land, Rockwood Terrace	0.500 acres	1981	Green Space		
#8	TM 5, L 9	Land, Rattlesnake Hill Road	3.287 acres	1974	Green Space	2226	474
#9	TM 5, L 10 - 10	Land, off Pingree Hill Road	2.000 acres	1974	Green Space	2227	1046
#10	TM 5, L 45	Land, Calef Road	2.000 acres	1970	Green Space		
#11	TM 8, L 8	Land, Bunker Hill Road	5.286 acres	2006	Tax Collector Deed	4706	71
#12	TM 9, L 16-19 (Shown in Enlargement on Sheet #33)	Land, Star Circle	3.304 acres	1970	Green Space		
#13	TM 9, L 39	Land, Hooksett Road	0.400 acres	2011	Tax Collector Deed	5214	2435
#14	TM 12, L 16-1	Land, Hooksett & Hills Roads	2.000 acres	1992	Tax Collector Deed	2957	1808
#15	TM 12, L 16-2	Land, Hills Road	2.020 acres	1992	Tax Collector Deed	2957	1809
#16	TM 12, Lot 16-12	Land, Meadow Lane	5.340 acres	1980	Green Space	2377	513
#17	TM 13, L 2	Land, Old Candia Road	0.250 acres	1992	Tax Collector Deed	2950	2297
#18	TM 13, L 23	Land, Joan Drive	3.000 acres	2002	Green Space		
#19	TM 13, L 24	Land, Old Candia / Depot Roads	0.750 acres	1996	Tax Collector Deed	3156	2108
#20	TM 17, L 6	Land, 13 Appletree Road	3.056 acres	1978	Tax Collector Deed	2376	1236
#21	TM 17, L 18	Land, Appletree Road	1.033 acres	1978	Tax Collector Deed	2329	1224
#22	TM 17, L 84	Land, Pinetree Road	0.666 acres	2013	Tax Collector Deed	5441	354
#23	TM 23, L 12	Land, Bunker Hill Road	0.110 acres	1998	Tax Collector Deed	3303	2250

Deeded restrictions -- limited to public recreation and conservation

"Green Space" or "Open Space" donated through subdivision process.

Town of Auburn

Town Hall
47 Chester Road
P.O. Box 309
Auburn, NH 03032



Town Administrator

William G. Herman, CPM
Phone: (603) 483-5052 Ext. 111
Fax: (603) 483-0518
E-Mail:
townadmin@townofauburnnh.com

To: Board of Selectmen

From: Bill Herman, CPM, Town Administrator

Date: July 14, 2017

Re: Potential Sale of Limited Use Properties

In follow-up to several recent discussions the Board has had concerning the potential sale of tax deeded properties, there were five lots that had been identified as potentially only being of interest to abutters of those properties.

As you may recall, in nearly every case, the lot the Town has does not have road frontage and therefore would not be a viable lot on its own for building purposes, or the property was too small to support development on its own.

The Board may want to consider offering these lots for sale by advertised sealed bid, and specifically send notices to all of the abutting property owners that the lots are available for purchase. I have reason to believe an abutter to at least one of these lots is interested in acquiring the property that is sandwiched in-between property he owns.

The lots that could be considered in this type of process would be as follows:

Tax Map #	Lot #	Location	Acres
2	40	Land, Pingree Hill Road	34.0000
2	48	Land, Pingree Hill Road	1.0000
2	50	Land, off Pingree Hill Road	7.5000
13	24	Land, Old Candia / Depot Roads	0.7500
23	12	Land, Bunker Hill Road	0.1100

The provisions of RSA 80:80 require the Board to offer for sale any property secured by Tax Collector deed by either advertised sealed bid or by public auction. For these types of situations where the value of the lots are limited to abutters, the sealed bid process would lead itself to be a better course of action for these types of properties.

If you are in agreement with offering any or all of these lots for sale in this fashion, it would be appropriate for the Board to formally record the following vote:

Move for the Town of Auburn to offer for sale by advertised sealed bid properties identified as Tax Map 2, Lots 40, 48 and 50; Tax Map 13, Lot 24 and Tax Map 23, Lot 12.

Thank you for your consideration.

Attachment



TOWN OF AUBURN

June 29, 2016

William Lambert, Administrator
Bureau of Traffic
NH Department of Transportation
P.O. Box 483
Concord, NH 03302-0483

Dear Mr. Lambert:

We wanted to take this opportunity to write on behalf of the Town of Auburn, the Auburn Police Commission and the Auburn Highway Safety Committee about safety concerns that have been expressed at recent local meetings based on a number of serious motor vehicle accidents that have occurred in the immediate vicinity of 278 Chester Road (NH Route 121). During the past five years there have been seven serious accidents in this immediate area, including the most recent which occurred this past Saturday (June 25th).

According to accident data available through the Auburn Police Department, there have been seven serious accidents from 2010 to present including one fatality; a motorcycle accident involving serious injury including the loss of a leg; four roll-overs with injury and without injury; and nearly all accidents involving property damage to 278 Chester Road.

There is a local sense that reducing the 45 MPH speed limit through this immediate area and possibly some sort of chevrons or signage would be appropriate to potentially warn motorists and reduce accidents in this area. Our purpose in writing is to request the NHDOT review the area and consider any steps that are deemed appropriate in this area.

Should specific data reports or first-hand observations be of help to you, we would encourage you to contact Lt. Ray Pelton of the Auburn Police Department (483-2134) for assistance.

Thank you in advance for your assistance and consideration in this matter.

Sincerely,
BOARD OF SELECTMEN

James F. Headd, Chairman

Richard W. Eaton, Selectman

Dale W. Phillips, Selectman

Cc: Lt. Ray Pelton, Auburn Police



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



Victoria F. Sheehan
Commissioner

William Cass, P.E.
Assistant Commissioner

July 20, 2017

Mr. James Headd, Chairman
Board of Selectmen
PO Box 309
Auburn, NH 03032-0309

Re: Route 121 Signs
278 Chester Road

Dear Chairman Headd:


I apologize for the delay in our response to your letter dated June 29, 2016 requesting our review of the 45mph speed limit and curve signs in the vicinity of 278 Chester Road. Thank you for forwarding this concern to me.

Based on our review of the roadway segment, I wanted to point out that the speed limit is presently posted at 40mph, which I believe is appropriate based on the character of the road. Studies have shown that drivers are more apt to set their travel speed on this basis as opposed to speed limit signage; thus, we endeavor to set the speed limit accordingly.

When the recommended speed for a curve differs substantially from the posted speed limit, the need for yellow warning signs, chevrons, and advisory speed placards is triggered. This is an important tool to promote safety in curves. As you point out, chevrons would be appropriate in this location because of the difference between the posted speed limit and the advisory speed for the curve. We will follow up by installing these signs.

Thank you again for bringing this to our attention.

Sincerely,


William R. Lambert, PE
Traffic Engineer/Administrator

Cc: Walter Keuenhoff, Bureau of Traffic
David Bernier, Bureau of Traffic
TrackIT 3005

WRL/mto

