



# *Candia Volunteer Fire Department*

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[www.CandiaVFD.org](http://www.CandiaVFD.org)

January 25, 2016

Mr. Carleton Robie, Chairman  
Board of Selectmen  
Town of Candia  
74 High Street  
Candia, NH 03034

Re: Recommendation for Appointments to the Candia Volunteer Fire Department

Dear Chairman Robie;

It is my pleasure as Chief of the Town of Candia Volunteer Fire Department to provide you with the names of an individual who I recommend for appointment to the Department. This individual has demonstrated a strong commitment to providing professional level emergency services to the Town of Candia and I offer this recommendation without reservation.

The person recommended has submitted background information attesting to their individual skill level and have agreed to attain and maintain at least a minimum level of professional certification consistent with the needs of the Department. This applicant has also provided information as to their character and background and will have undergone a criminal background investigation conducted by the Candia Police Department and the State Police.

I would request these appointments be made effective January 25, 2016.

David C. Melendy  
25 New Boston Road  
Candia NH 03034  
Firefighter

Again, I am pleased to recommend this individual for appointment. If you have any questions, please feel free to contact me at 603-703-7155 (cell).

Sincerely

Dean Young, Chief

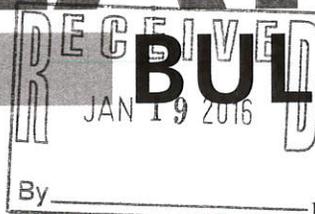
Cc: David C. Melendy; file

# New Hampshire Municipal Association

THE SERVICE AND ACTION ARM OF NEW HAMPSHIRE MUNICIPALITIES

# LEGISLATIVE BULLETIN

LOOK  
PLEASE READ



## Bill on Right-to-Know Costs Returns

Bulletin #4, 2016 Session  
January 15, 2016

Last year the House considered **HB 646**, an NHMA policy bill allowing public bodies and agencies to recover a small part of the cost of responding to Right-to-Know Law requests. The House Judiciary Committee recommended passage of the bill by a vote of 14-4, but the bill was tabled after House leadership expressed concerns that it needed more work. It died on the table when the session ended.

The bill has been revised and reintroduced as **HB 1611**, and it is scheduled for a hearing before the Judiciary Committee next **Tuesday, January 19, at 1:00 p.m., in LOB Room 208**. The bill still allows a public body or agency to charge for labor at minimum wage rates after the first hour, and to require payment before retrieving the records. However, to address the House leadership's concerns, the new bill prohibits charging for meeting minutes that are less than ten years old; for copies of currently effective statutes, ordinances, regulations, rules, or procedures; or for any records relating to an ongoing administrative or quasi-judicial proceeding.

(Note to anyone reading the bill in detail: There is a serious drafting error in the bill. The proposed new paragraph IV-a(c)(4) is out of place and does not make sense. An amendment will be presented at the hearing.)

*This is an important bill for all municipalities.* Please consider sending someone to the hearing, submitting a letter, or contacting committee members to urge their support of the bill—*and please keep us informed about your efforts*. Last year, a newspaper report misrepresented that only “paid lobbyists” were at the hearing to support the bill, and that opponents “far outnumbered” supporters. That was nowhere close to the truth; this year, let’s have a turnout that no one can misinterpret.

## Taxation of Right-of-Way Use

The Senate Ways & Means Committee will hear an important bill next week dealing with the taxation of entities that use public rights-of-way. Under RSA 72:23, anyone who uses or occupies real estate owned by a municipality or by

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*(Taxation of ROW — Continued from Page 1)*

the state is required to pay property taxes on the use of the real estate, and the applicable lease or other agreement is supposed to provide for the payment of taxes. The issue comes up most often with telephone and utility companies that have poles, wires, and other property in municipal rights-of-way, which are permitted under licenses issued by the municipality.

Because the law is relatively new and many pole licenses are ancient, many municipalities have had to amend their licenses to include the required language on payment of property taxes. Some companies, however, have refused to sign the amended licenses and then claimed they were not required to pay the taxes because there's nothing about it in their licenses. We're not making this up. One company has avoided the problem by simply installing poles without getting a license, knowing that the municipality would not remove the poles and that it had no other remedy.

**SB 442** is an **NHMA policy bill** that would end this abuse. It states that for any use or occupancy after July 1, 2016, the failure to have a lease or other written agreement will not affect the occupant's obligation to pay taxes.

There is no end to the ways that some companies manage to avoid paying taxes, whether by flouting the law or by manipulating it. This bill would put a stop to one of the most egregious tax-avoidance schemes in the state. Please encourage committee members and your own senator to **support SB 442**. The hearing is scheduled for **Tuesday, January 19, at 9:30 a.m., in State House Room 103.**

### Limiting Liability for Injuries from Firearms

The Senate Public and Municipal Affairs Committee will hear testimony next week on **SB 455**, which would limit the liability of a municipality for injuries caused by an employee's use of a firearm. This is an **NHMA policy bill**, and we urge the committee to support it. The hearing is scheduled for **Wednesday, January 20, at 10:15 a.m., in LOB Room 102.**

Under current law (RSA 159:26), a municipality is prohibited from "regulat[ing] the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearms components, ammunition, or firearms supplies in the state." This means a city or town may not stop an employee (or anyone) from carrying a weapon, whether on municipal property or elsewhere. Although we have issues with that law, it is not likely to change anytime soon.

### THE EDGE

#### *Parliamentary inquiries*

In legislative debate, a parliamentary inquiry is a question to the presiding officer about the rules or about the procedural status of the matter at hand. A simple example is "Mr. Speaker, are we voting on the amendment or the main motion?"

In the New Hampshire House, however, a parliamentary inquiry (or "P.I.") is often used to make a substantive point in the form of a question. (This is rarely done in the Senate, although there is no rule against it.) When done properly, it is a useful and perfectly legitimate tactic. Unfortunately, it is often done poorly.

Imagine, for example, that the House is about to vote on a motion of Ought to Pass on a bill to ban the sale of India pale ale. Here is an example of a well stated P.I.:

- Mr. Speaker, if I believe that the IPA fad is out of control;
- And if I know that the glut of IPAs is crowding lots of good porters, stouts, and Belgian whites off the shelves;
- And if I know that the defining characteristic of IPA is that it tastes like rotten grapefruit juice;
- Would I now press the green button to support this motion and make New Hampshire safe for serious beer drinkers?

*(continued on next page)*

RECEIVED  
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# Memo

From the Office of the Board of Selectmen:

The Board of Selectmen would like to remind all Town Employees and volunteers to the Town of Candia:

Any soliciting on any Town owned property is strictly forbidden by the Town of Candia as decided by the Board of Selectmen at the regular scheduled Selectmen's meeting on January 26, 2009. This includes employees on the job on Town property and volunteers who are volunteering on Town property.

Soliciting includes but is not limited to the following:

- Selling of items from any organization in which people are approached on a Town property
- Endorsing any person(s) who are running for an open elected position within the Town of Candia (paid or non-paid) by approaching residents on Town property and influencing resident's votes.
- Collecting signatures for petitions and/or bringing in of petitions on to Town owned property at any time
- Using your position as a Town employee to endorse and/or reject any candidate running for a political open position in the Town of Candia while on Town owned property and/or while on the job as an employee for the Town of Candia

Any Town of Candia employee or volunteer found in violation of this policy are subject to disciplinary action and/or termination of service to the Town of Candia per Board of Selectmen decision.

The Candia Board of Selectmen appreciate your understanding in this matter and Thank you for you cooperation.