



TOWN OF DEERING

Board of Selectmen

762 Deering Center Road
Deering, NH 03244

Meeting Minutes

December 5, 2018

Selectmen present: Aaron Gill, Allen Belouin, John Shaw,
The meeting was called to order at 1900.

MEETING MINUTES:

Meeting Minutes – November 20th.

Mr. Gill made the motion to approve the public and non-public meeting minutes of November 20th. Mr. Shaw seconded the motion. The vote was unanimous and so moved.

New Business

Town Clerk – Budget

Town Clerk / Tax Collector Carol Baker presented her budget to the Board explaining that she is looking to convert the position from 25 hours per week to full-time 35 hours (health benefit eligible) per week. Doing so will provide a higher level of service because office hours will increase to include Tuesdays. The Board is supportive of the idea given the position's certification requirement mandated by the Department of Safety (motor vehicle registrations) and the requisite knowledge required concerning property tax law for the tax collector's position. The current hourly rate of pay is \$22.50 per hour. Ms. Baker believes that \$25 per hour is a fair rate of pay and the Board was supportive of the proposal. The change in status from part to full-time will require a vote and approval at town meeting (see attached budget).

Police Department – Ordinance Review

In an effort to address summer problem issues associated with the beach area at the Deering reservoir that include parking, open fires, alcoholic beverages, noise (loud music), and loose dogs the Board directed Chief Pushee to review and recommend changes to the current applicable ordinances (see attached). The Board was pleased with the proposed changes and believe that they will foster a more family friendly, cleaner and safer environment.

Budget Review – Warrant Articles

The Board reviewed warrant articles for the upcoming year (see attached). A warrant for paving the parking lot is seen as a way to increase pedestrian safety by introducing a level surface for walking. Frozen and uneven surface led to an individual breaking their ankle. The Board is very concerned with heavy truck / construction vehicles driving behind town hall over the septic tank and causing damage. The thought is to prevent driving behind town hall. The Board discussed creation of a solar energy expendable trust fund that will provide maintenance to a proposal to have solar panels installed on the Town Hall roof to decrease electric costs. The Board reviewed the fire department request for funding a \$550,000 fire truck purchase. At this point the Board has not received nor reviewed specifications for the fire truck, or any bid documents. The Board also reviewed a technical recommendation by the DRA relative to depositing perpetual care funds into the cemetery trust fund.

Police Ballistic Vest ETF

The TA explained that the PD needs to replace two vests and only the Board, as agents to expend, can authorize the expenditure from the expendable trust fund. Mr. Gill made the motion to approve the expenditure of \$1,790 for to vests. Mr. Belouin seconded the motion. The vote was unanimous and so moved.

TO BE REVIEWED AND/OR SIGNED:

- | | |
|---|---|
| - Employee Payroll | <u>November 28th</u> |
| | \$15,011.15 |
| - Employee Payroll | <u>December 5th</u> |
| | \$14,627.58 |
| - AP ACH XFER | <u>December 5th</u> |
| | \$ 155.55 |
| - AP Manifest | <u>December 5th</u> |
| | \$ 277,520.98 |
| - AP Manifest | <u>December 5th</u> |
| | \$5,469.79 |
| - Deposit to Trust Funds | <u>December 5th</u> |
| | \$ 75,405.54 |
| - Withdraw from Trust Funds | <u>December 5th</u> |
| | \$222,895.43 |
| - Yield Tax | \$769.96 |
| - Intent to Cut | 237-030-000 / 225-002-000 / 242-001&002-000 |
|
- Non-Public Session - RSA 91-A:3 II (a) - Cancelled | |

There being no further business to come before the Board Mr. Gill made the motion to adjourn. Mr. Shaw seconded the motion. The vote was unanimous and so moved. The meeting adjourned at 2055.

Respectfully Submitted,

\s\ Russell McAllister
Town Administrator

MONTHLY REPORT**NOVEMBER 2018****NEWS:**

1. Officer I.B. Coppin, our Elfin Officer on loan from North Pole PD, arrived back in town at the end of the month.
2. Cadets from Post 612 Explorers helped with Parking & Traffic on Election Day.
3. Part-Time Officer Chris Parsons and his family welcomed their new daughter into their family.

TRAINING:

1. Department Firearms Training – members of the Department participated in Night Range this month.
2. Chief Pushee attended a Conflict Resolutions Class at the Academy.
3. Capt. Cavanaugh participated and passed his 3 year PT Testing, so his status is good for several more years.

GRANTS:

1. 2019 Highway Safety Patrol Grants – we will work one of our scant DWI Detail Shifts in late December during the National DWI Enforcement weeks.
2. Bulletproof Vest Partnership – we are preparing to order new vests for Capt. Cavanaugh and Ofc. Forsley

JUVENILE ACTIVITY:

1. We have filed Court JV Petitions on an assault case involving one JV shooting another JV with a BB/Pellet gun in October.
2. We have filed Court JV Petitions on this same JV (above), to charge him with Trespass, after he entered and remained in the house where the BB Gun incident occurred after being ordered not to by the homeowners/parents of the BB gun victim.

ACTIVITY REPORT:

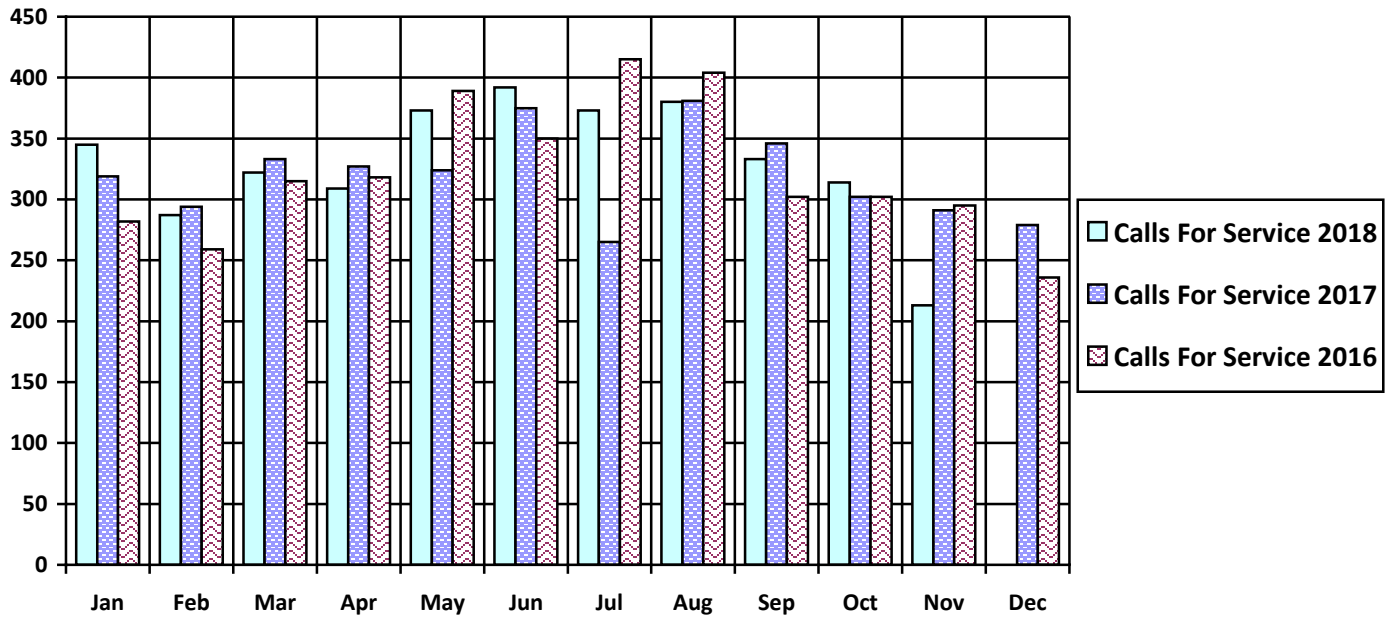
Calls For Service Logged:	213	(this does not include many vacant home checks which are now counted separately in the new system)	
DPD Call Outs	7	(MV Crashes, MV complaint, DV call, Civil Standby requests)	
NHSP Call Outs	0	(xx)	
MV Enforcement:	31	(29 warnings, 2 citations)	
MV Accidents:	7	(5 were speed for conditions, 1 was animal, 1 was driver on closed road trying to cross a washout)	
ARRESTS Total:	4		
Charges:	Warrants	2	(1 was served by US Marshals as Fugitive From Justice)
	Assault	1	(JV case)
	Trespass	1	(JV case)
NEW PENDING/ OPEN CASES:	8		
Charges:	Animal Neglect/Abuse	2	(1 warrant prepped, 1 still under investigation)
	Assault	1	(warrant pending- assault with baseball bat)
	Tattooing of a Minor	1	(warrants issued for the tattooer, he is in Mass and reluctant to come to NH)
	Burglaries	7	(New one on 27June2018, also 1 in Fall 2017, 3 in May 2017, 1 Feb 2018, 1 Aug2018)

MILEAGE TOTAL: 2,896 miles from 1Nov2018 through 30Nov2018

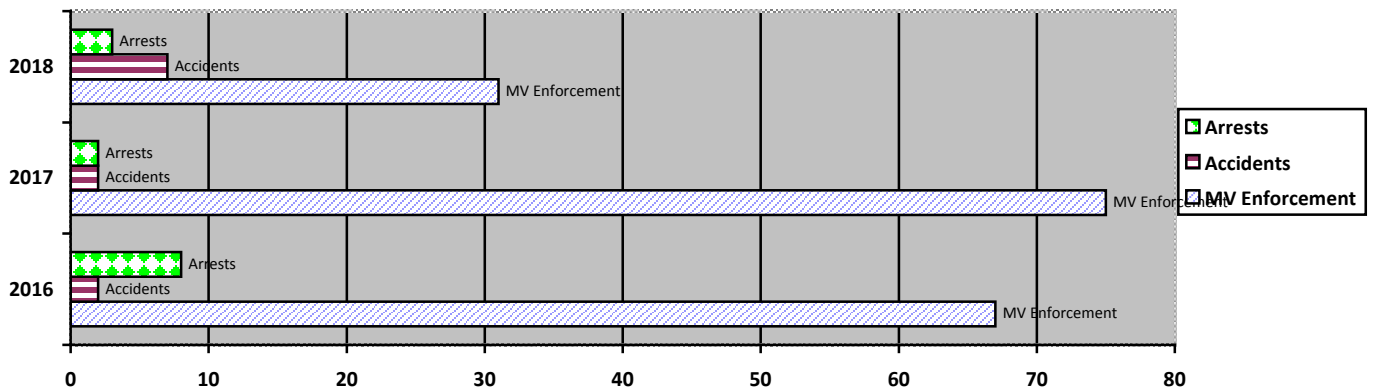
2014 Intrcpt Util: 82,221 (1,491 miles in period)

2017 Intrcpt Util: 15,580 (1,405 miles in period)

Call For Service Stats- Monthly



Monthly Stats- November



RADAR TRAFFIC SURVEYS**NOVEMBER 2018****OFFICER TRAFFIC SURVEYS**

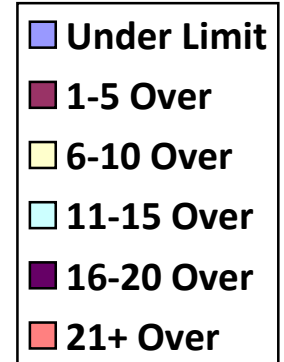
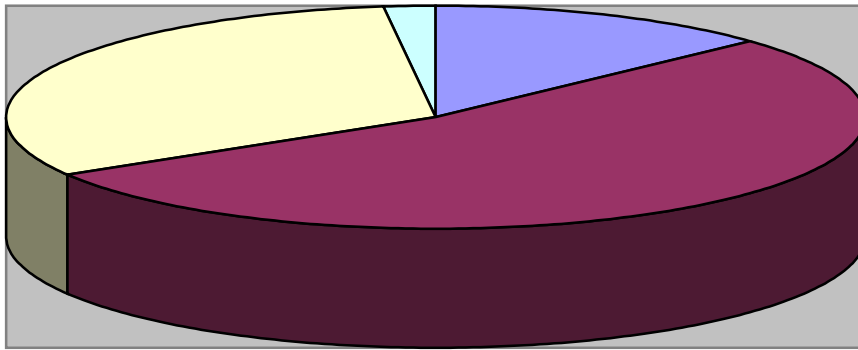
Totals	Rte 149 (1)	2 nd NH Tpk(2)	OldCounty (7)	Clement (1)	EstDrng (1)
Total Cars	31	76	129	6	6
Under Limit	3	11	21	2	0
+1 – 5 over	16	41	69	4	0
+6 – 10 over	12	22	34	0	4
+11 – 15 over	0	2	5	0	1
+16 – 20 over	0	0	0	0	0
+ 21 over	0	0	0	0	0
Stopped	0	3	0	0	1

Totals	Rsvr (LngWds(1)	Mnslvl(2)	Other(1)	Cross(1)
Total Cars		15	26	20	17
Under Limit		0	7	7	4
+1 – 5 over		11	11	9	9
+6 – 10 over		2	6	4	4
+11 – 15 over		1	1	0	0
+16 – 20 over		0	0	0	0
+ 21 over		0	0	0	0
Stopped		1	1	0	0

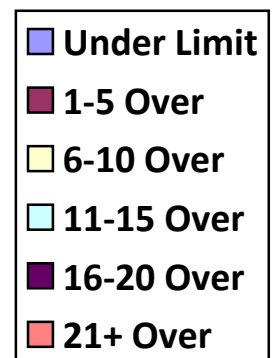
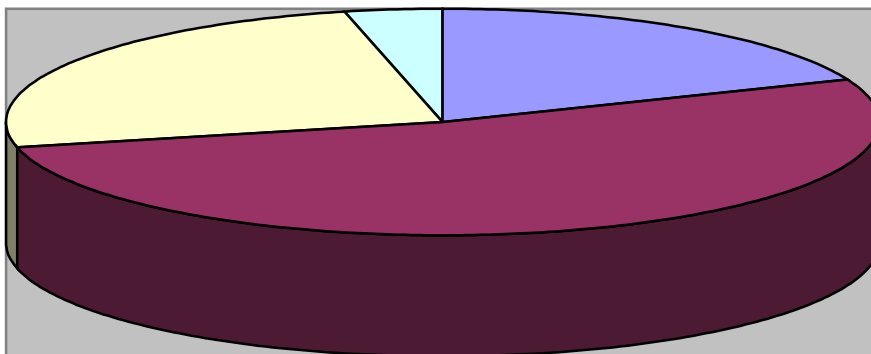
VOLUNTEER TRAFFIC SURVEYS

Totals	EastDrng(Union (Mill (OldCty(ClmtHill(LngWds (
Total Cars						
Under Limit						
+ 1 – 5 over						
+ 6 – 10 over						
+ 11 – 15 over						
+ 16 – 20 over						
+ 21 over						

Primary Roads / 3 Surveys



Secondary Roads / 14 Surveys



To: Board of Selectmen
From: Chief Daniel Gorman, Deering Fire & Rescue
Subject: Fire & Rescue Report, October 2018

Date: 11/15/2018

NEWS:

October was not a particular busy month for emergency responses. We had a total of eighteen (18) calls for service. Having said that, as of September 30th, we have responded to forty-two (42) more calls than we did during the same time in 2017. That is a significant increase to say the least.

I would also like to thank Brian Houghton and his crew at the Highway Department for their work on the Donovan Station (890 Deering Center Road) driveway and parking area. They were able to put in a new culvert and fill in the big dip in the driveway near the road and had it all paved. The driveway puts much less stress on the vehicles as they exit and enter the stations. Well done.

As the weather begins to get colder, our personnel work to prepare their apparatus and equipment for cold weather responses. Water freezes quickly in the water pumps of the apparatus when the temperatures dip below freezing. So, the crews will drain the water pumps to prevent them from freezing. The tank water has much more volume so it takes longer to freeze, but if it is a prolonged event, they will recirculate the water to keep it moving, therefore less likely to freeze. The crews have been checking all of our cold-water suits and equipment to make sure it is ready if needed. Statistically, there are more chimney fires in the colder months so crews are checking ladders and all chimney fire equipment for readiness as well.

Deering Safety Day was held on October 13th. Unfortunately, the weather did not cooperate but we still had a great time. It was really nice having the Deering Association join the event. It was a lot of fun making apple cider, which was delicious.

TRAINING:

1. There was monthly EMS training with Hillsboro EMS personnel the topic was PTSD and first responder wellness. This class was taught by NH Department of EMS Todd Donovan.
2. Fire training in October was continuing driver and pump operations training on the Forestry. Every member of the department that will drive and operate it will go through this training.

GRANTS:

1. Thanks to Assistant Chief/Fire Warden Connor for successfully writing a grant through the NH Division of Forest and Lands in order to purchase tools and equipment for the Forestry. We are planning on purchasing a floating pump with this grant. A floating pump is put into the water and will pump water through hoses. This pump will be a tremendous asset for any fires in remote areas that we cannot gain access to with our engines. This pump will be placed on forestry 1 as this truck will be the first due apparatus to these private narrow roads around the lake. This grant will serve us for the 2019 budget.

Upcoming goals:

- 1) Work with the Truck committee to ensure we have the cost of the potential new Pumper/Tanker completely accurate for the Town Meeting.
- 2) Work on goal setting for the department for 2019.
- 3) Evaluate response activity of all personnel and determine reasons for low activity levels for some members.

SEPTEMBER ACTIVITY REPORT:

Total emergency Responses – 18

Per Diem Total Responses	11	On Call Total Responses	7
Per Diem EMS Responses	8	Call EMS Responses	3
Per Diem Fire Responses	3	Call Fire Responses	2
Per Diem MVA Responses	0	Call MVA Responses	2
Per Diem Transports	1	Call EMS Transports	4
Per Diem BLS Transports	0	BLS Transport	0
Per Diem ALS Transports	1	ALS Transport	4
Mutual Aid EMS Given	0	Mutual Aid EMS Given	0
Mutual Aid Fire Given	0	Mutual Aid Fire Given	0
Mutual Aid EMS Received	1	Mutual Aid EMS Received	0
Mutual Aid Fire Received	1	Mutual Aid Fire Received	0
Paramedic Intercepted Received	0	Paramedic Intercepted Received	0

Respectfully submitted,

Daniel Gorman

Daniel Gorman, Fire Chief/EMD

TOWN CLERK/TAX COLLECTOR 2019 PROPOSED HOURS

	Current hours worked weekly		Hours per day	Proposed hours worked weekly		Hours per day
	Mon	8:30am-3:30pm	7.0	Mon	8:00am-4:30pm	8.5
	Tues	Office Closed		Tues	1:00pm-3:00pm	5.0
	Wed	8:30am-6:30pm	10.0	Wed	8:00am-6:30pm	10.5
	Thurs	3:00pm-7:30pm	4.5	Thurs	12:00pm-7:30pm	7.5
	Fri	Office Closed		Fri	Office Closed	
Last Sat. of the month	Sat	9:00am-12:30am	3.5	Sat	9:00am-12:30	3.5
On the weeks without Sat. workday, I add in behind the scene work to Balance, Ordering supplies and budget prep, Motor Vehicles and election preparation. Extra hours are worked on Election weeks, Conference/Training and tax bill printing/stuffing weeks. I would also like to continue with work on organizing our archives and pursuing record preservation of Deering's town records and historical documents.						
Current Work Hours			25.00	Proposed Work Hours		35.00

	Current hours open to the public weekly		Hours per day	Proposed hours open to the public		Hours per day
	Mon	8:30am-2:50pm	6 hrs 20 minutes	Mon	8:00am-4:00pm	8.0
	Tues	Office Closed		Tues	Office Closed	
	Wed	8:30am-5:50pm	9 hrs 20 minutes	Wed	8:00am-6:00pm	10.0
	Thurs	3:00pm-6:50pm	3 hrs 30 minutes	Thurs	12:00pm-7:00pm	7.0
	Fri	Office Closed		Fri	Office Closed	
Last Sat. of the month	Sat	9:00am-11:50am	2 hrs 50 minutes	Sat	9:00am-12:00am	3.0
Tuesday being closed to the public is helpful due to Election Days always being on Tuesday and for scheduling training sessions.						
Current Open to the Public			22.00	Proposed Open to the Public		28.00

Account Number	Description	Budget 2017	Budget 2018	Budget 2019	\$ Change	% Change	WA Cost
01.4140.12.112	Town Clerk - Wages	12,870.00	14,625.00	16,250.00	1,625.00	11.11%	1,625.00
01.4140.12.135	Town Clerk - Deputy Wages	7,540.00	8,060.00	8,580.00	520.00	6.45%	-
01.4140.12.210	Town Clerk - Health Insurance	-	-	3,380.00	3,380.00	100.00%	3,380.00
01.4140.12.220	Town Clerk - FICA	1,265.42	1,406.47	1,539.46	132.99	9.46%	100.75
01.4140.12.221	Town Clerk - Medicare	295.95	328.93	360.04	31.10	9.46%	23.56
01.4150.15.230	Town Clerk - Retirement	-	-	78.00	78.00	0.00%	78.00
01.4150.15.290	Town Clerk - Life/Disability	-	-	157.10	157.10	100.00%	157.10
01.4140.12.350	Town Clerk - Training & Certif	800.00	900.00	900.00	-	0.00%	-
01.4140.12.410	Town Clerk - Postage	2,000.00	2,000.00	2,000.00	-	0.00%	-
01.4140.12.420	Town Clerk - Telephone	1,080.00	1,080.00	1,080.00	-	0.00%	-
01.4140.12.450	Town Clerk - Software	4,446.00	4,446.00	3,060.00	(1,386.00)	-31.17%	-
01.4140.12.470	Town Clerk - Office Supplies	500.00	500.00	500.00	-	0.00%	-
01.4140.12.480	Town Clerk - Dues & Subscriptions	200.00	275.00	275.00	-	0.00%	-
01.4140.12.490	Town Clerk - Public Notices	75.00	75.00	75.00	-	0.00%	-
01.4140.12.610	Town Clerk - New Equipment	120.00	250.00	250.00	-	0.00%	-
01.4140.12.620	Town Clerk - Equipment Maintenance	350.00	350.00	350.00	-	0.00%	-
01.4140.12.710	Town Clerk - Mileage	500.00	500.00	500.00	-	0.00%	-
01.4140.13.112	Elections - Election Official	1,128.00	3,500.00	1,167.00	(2,333.00)	-66.66%	-
01.4140.13.120	Elections - Ballot Clerk Wages	350.00	1,050.00	350.00	(700.00)	-66.67%	-
01.4140.13.220	Elections - FICA	92.00	284.00	94.05	(189.95)	-66.88%	-
01.4140.13.221	Elections - Medicare	21.00	64.00	22.00	(42.00)	-65.63%	-
01.4140.13.410	Elections - Postage	50.00	50.00	50.00	-	0.00%	-
01.4140.13.470	Elections - Office Supplies	50.00	100.00	100.00	-	0.00%	-
01.4140.13.490	Elections - Public Notices	219.00	365.00	146.00	(219.00)	-60.00%	-
01.4140.13.900	Elections - Miscellaneous	300.00	400.00	400.00	-	0.00%	-
	FUNCTION: TOWN CLERK - 4140	34,252.37	40,609.40	41,663.65	1,054.24	2.60%	5,364.41
01.4150.14.112	Treasurer - Wages	2,500.00	2,500.00	2,500.00	-	0.00%	
01.4150.14.220	Treasurer - FICA	155.00	155.00	155.00	-	0.00%	
01.4150.14.221	Treasurer - Medicare	36.00	36.00	36.00	-	0.00%	
01.4150.15.112	Tax Collector - Wages	12,870.00	14,625.00	16,250.00	1,625.00	11.11%	1,625.00
01.4150.15.135	Tax Collector - Deputy Wages	7,540.00	8,060.00	8,580.00	520.00	6.45%	-
01.4140.12.210	Tax Collector - Health Insurance	-	-	3,380.00	3,380.00	0.00%	3,380.00
01.4150.15.220	Tax Collector - FICA	1,265.42	1,406.47	1,539.46	132.99	9.46%	100.75
01.4150.15.221	Tax Collector - Medicare	295.95	328.93	360.04	31.10	9.46%	23.56
01.4150.15.230	Tax Collector - Retirement	-	-	78.00	78.00	0.00%	78.00
01.4150.15.290	Tax Collector - Life/Disability	-	-	157.10	157.10	100.00%	157.10
01.4150.15.310	Tax Collector - Research	1,000.00	1,000.00	1,000.00	-	0.00%	-
01.4150.15.350	Tax Collector - Training & Certification	800.00	900.00	900.00	-	0.00%	-

Account Number	Description	Budget 2017	Budget 2018	Budget 2019	\$ Change	% Change	WA Cost
01.4150.15.360	Tax Collector - Recording Fees	1,000.00	1,000.00	1,000.00	-	0.00%	-
01.4150.15.410	Tax Collector - Postage	3,000.00	3,000.00	3,000.00	-	0.00%	-
01.4150.15.420	Tax Collector - Telephone	1,080.00	1,080.00	1,080.00	-	0.00%	-
01.4150.15.450	Tax Collector - Software	2,500.00	2,500.00	2,860.00	360.00	14.40%	-
01.4150.15.470	Tax Collector - Office Supplies	800.00	800.00	800.00	-	0.00%	-
01.4150.15.480	Tax Collector - Dues & Subscriptions	40.00	50.00	50.00	-	0.00%	-
01.4150.15.610	Tax Collector - New Equipment	120.00	250.00	250.00	-	0.00%	-
01.4150.15.620	Tax Collector - Equipment Maintenance	80.00	80.00	80.00	-	0.00%	-
01.4150.15.710	Tax Collector - Mileage	500.00	500.00	500.00	-	0.00%	-
01.4150.16.300	Auditing - Professional Services	13,500.00	13,500.00	13,500.00	-	0.00%	-
01.4150.17.399	Info Tech - Professional Services	3,000.00	3,000.00	3,000.00	-	0.00%	-
01.4150.17.450	Info Tech - Software	7,590.00	10,350.00	10,350.00	-	0.00%	-
	FUNCTION: FINANCIAL ADMINISTRATION - 4150	59,672.37	65,121.40	71,405.60	6,284.19	9.65%	5,364.41
	Total	93,924.73	105,730.81	113,069.24	7,338.44	6.94%	10,728.83

DEPARTMENT: Office of the Town Clerk

AMOUNT: \$ 20,800

Itemization of line item: This represents approx. 832 hrs yearly at rate of \$25.00/hr which breaks down to 16 hrs a week for the Town Clerk.

Please provide a written justification for any variances from the 2018 budget: Requesting an increase of 3.5 hrs for the Town Clerk and an increase in rate of pay of \$2.50/hr. I am requesting this increase so I may be implemented to full time status as an employee for the town **in order to qualify and begin receiving benefits** for health, retirement, life and disability, along with sick time, holiday pay and vacation time accrual.

Currently my rate of pay is \$22.50/hr with part time status and no **benefits (no sick, holiday vacation pay) and I am paying \$870.00 a month out of pocket for town's health/dental insurance to purchase a single person plan.**

01.4140.12.135	Deputy Town Clerk Wages(Dorothy)	AMOUNT: \$ 8,580.00
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Itemization of line item: Based on a pay rate of \$16.50/hr. This amount is a reflection of the Deputy Town Clerk having a work week of 10 hours. (averaging 20 hours total combining the two sides of the Town/Tax office, and with 10 of those weekly being charged to the tax side)

Please provide a written justification for any variances from the 2018 budget: The change is to cover a merit raise and cost of living increase This increase is based on the merit increases from annual reviews. The Deputy pay was budgeted for \$15.50/hr in 2018 this would be a \$1.00/yr pay increase based on her performance reviews. Her responsibilities and work duties will continue to increase as she will continue to pursue her state certification status.

01.4140.12.220 Town Clerk-FICA

AMOUNT: \$ 1,836.00

Itemization of line item: Based on 6.25% of combined Town Clerk office salaries (\$29,380)

Please provide a written justification for any variances from the 2018 budget: Change due to Town Clerk's hrs and wage increase to become fulltime employee and a small merit increase for Town Clerk Deputy wages.

01.4140.12.221 Town Clerk-Medicare

AMOUNT: \$ 411.00

Itemization of line item: Based on 1.4% of combined Town Clerk office salaries (\$29,380)

Please provide a written justification for any variances from the 2017 budget: Change due to Town Clerk's hrs and wage increase to become fulltime employee and a small merit increase for Town Clerk Deputy wages.

01.4140.12.210 Town Clerk - Health Insurance

AMOUNT: \$ 4,698.00

Itemization of line item: Based on 90/10 % ratio for employee health/dental insurance. (based on \$10,440 for annual premium cost for a single person plan)

of \$360.00 to cover the rental equipment for processing credit card payments over the counter. This will be a new service for customers in 2019 to be able to utilize credit cards over the counter at the Town Clerk's office.

01.4140.12.470	Office Supplies	AMOUNT: \$500.00
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Itemization of line item: The office expense is for regular office supplies as needed, envelopes for renewal and processed online transactions and to order Dog tags.

Please provide a written justification for any variances from the 2018 budget: No change

01.4140.12.480	Dues and Subscriptions	AMOUNT: \$ 275.00
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Itemization of line item: This is for the annual dues for the NH City and Town Clerk Association for both Town Clerk and Deputy, and to purchase subscriptions for Red Book, Powersport Book, motor vehicle and personal recreational vehicle value books providing yearly updates.

Please provide a written justification for any variances from the 2018 budget: No change.

01.4140.12.490	Notices	AMOUNT: \$75.00
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Itemization of line item: *Would like to place ad in one local newspaper to remind residents to license their dogs by the April 30th deadline and promoting the use of on-line licensing. With placing an ad, I also hope that it will help in lower the amount dogs that are late in being licensed leading us to send out civil forfeiture notices which are sent certified mail.*

Please provide a written justification for any variances from the 2018 budget: No Change.

01.4140.12.610	New Equipment	AMOUNT: \$ 250.00
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Itemization of line item: *Would like to look into purchasing a push cart for town clerk's office to be used for carrying items (boxes) to the basement for storage in the archives or for use on Election Day and town meeting day for carrying sign posts, stanchions and various supplies up and down stairs.*

Please provide a written justification for any variances from the 2018 budget: No Change in cost.

01.4140.12.620	Equipment Maintenance	AMOUNT: \$350.00
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Itemization of line item: *We will have to purchase more toner for the State Lexmark printers as we continue to advance away from carbon copy forms thus increasing our toner usage with the Lexmark printers. This will include printing Title applications, cash receipts, check validations and Town Only registration. The toner cost is \$298.00 for each cartridge through the State contract with Computer Hut of New England. This is the lowest cost as the State requires us to use specific type of toner. Also needed is regular toner for our stand alone printers used to print receipts, dog licenses and reports.*

Please provide a written justification for any variances from the 2018 budget: No change.

01.4140.12.710	Mileage	AMOUNT: \$500.00
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Itemization of line item: Mileage is generated by depositing monies, attending conferences, regional meetings and training sessions. (We carpool whenever possible). Auditing procedures and State Motor Vehicle rules make deposits necessary for each day that we are open.

Please provide a written justification for any variances from the 2018 budget: No change

TOTAL Town Clerk Proposed Budget \$45,315.00

FY2019 BUDGET WORKSHEET

DEPARTMENT: Office of the Tax Collector

01.4150.15.112 Tax Collector Wages

AMOUNT: \$ 20,800

Itemization of line item: This represents approx. 832 hrs yearly at rate of \$25.00 /hr which breaks down to 16 hrs a week for the Tax Collector.

Please provide a written justification for any variances from the 2018 budget: Requesting an increase of 3.5 hrs for the Tax Collector and an increase in rate of pay of \$2.50/hr. I am requesting this increase so I may be implemented to full time status as an employee for the town **in order to qualify and begin receiving benefits** for health, retirement, life and disability, along with sick time, holiday pay and vacation time accrual.

Currently my rate of pay is \$22.50/hr and I have no benefits (no sick, holiday or vacation pay) and I pay \$870.00 a month out of pocket for town's health/dental insurance to purchase a single person plan.

01.4150.15.135 Deputy Tax Collector Wages (Dorothy)

AMOUNT: \$ 8,580.00

Itemization of line item: Based on a pay rate of \$16.50/hr. This amount is a reflection of the Deputy Tax Collector having a work week of 10 hours. (averaging 20 hours total combining the two sides of the Town/Tax office, and with 10 of those weekly being charged to the Town Clerk side)

Please provide a written justification for any variances from the 2018 budget: The change is to cover a merit raise and cost of living increase. The Deputy wages per the 2018 budget is at \$15.50/hr this would be a \$1.00/yr pay increase based on the deputy performance review. The position responsibilities and work duties will continue to increase as she continues to pursue her state certification status.

01.4150.15.220 Tax Collector – FICA

AMOUNT: \$ 1,836.00

Itemization of line item: Based on 6.25% of combined Tax Collector office salaries (\$29,380)

Please provide a written justification for any variances from the 2018 budget: Change due to Tax Collector's hrs and wage increase to become fulltime employee and a small merit increase for Tax office Deputy wages.

01.4150.15.221 Tax Collector – Medicare

AMOUNT: \$ 411.00

Itemization of line item: Based on 1.4% of combined Tax Collector office salaries (\$29,380)

Please provide a written justification for any variances from the 2018 budget: Change due to Tax Collector's hrs and wage increase to become fulltime employee and a small merit increase for Tax office Deputy wages.

01.4150.12.210 Tax Collector – Health Insurance

AMOUNT: \$ 4,698.00

Itemization of line item: Based on 90/10 % ratio for employee health/dental insurance. (based on \$10,440 for annual premium cost for a single person plan)

Please provide a written justification for any variances from the 2018 budget: This is a new account for Tax Collector's budget to pay for Employee Health/Dental plan as a full time employee for the Town of Deering.

01.4150.15.230 Tax Collector – Retirement AMOUNT: \$ TBD

Itemization of line item: Town employee retirement plan offered to full time employees

Please provide a written justification for any variances from the 2018 budget: This is a new account...need to find out if the Tax Collector qualifies as a full time employee.

01.4150.15.290 Tax Collector – Life/Disability AMOUNT: \$ TBD

Itemization of line item: Town employee Life/Disability plan offered to full time employees.

Please provide a written justification for any variances from the 2018 budget: This is a new account...need to find out if the Tax Collector qualifies as a full time employee.

01.4150.15.310 Tax Collector – Tax Lien Research AMOUNT: \$1,000.00

Itemization of line item: Money paid to a research firm to do the mandatory searches of properties intended to be lienied or deeded. This is not an expenditure by the Town per se as every bit of what is spent is charged to the delinquent accounts under “penalties”, just as interest is charged on delinquent tax bills. So, the amount spent on this is billed to the various taxpayers and is repaid whenever the liens are redeemed or the property is deeded “in lieu of taxes”.

Please provide a written justification for any variances from the 2018 budget: No change

01.4150.15.350 Tax Collector - Training and Certification AMOUNT: \$ 900.00

Itemization of line item: Cost of attending Tax Collector conference, regional meetings, spring workshops for the NHTC association (all of which provide training for our duties) and training for new services/changes in laws, and half the cost of attending Joint Certification program that Dorothy as Deputy Clerk will be attending her 3rd year in 2019.

Please provide a written justification for any variances from the 2018 budget: No change.

01.4150.15.360 Tax Collector – Registry/Court Recording Fees AMOUNT: \$ 1000.00

Itemization of line item: The Hillsborough County Registry of Deeds charges for the registration of liens, the redemptions of said liens, the turnover of property from Taxpayer to the Town in lieu of taxes (deeding to Town). The amount of activity (number of liens placed, redemptions made) dictates how much will be charged to the office, but in most cases the amount paid to the Registry has been charged or will be charged to the Taxpayer for repayment, so it is not an actual outlay by the Town.

Please provide a written justification for any variances from the 2018 budget: No change

01.4150.15.410 Tax Collector – Postage AMOUNT: \$ 3,000.00

Itemization of line item: This item pays for the postage on all the required notices via the mail that the Tax Office, by law, must issue: Tax bills, Delinquency Notices, Impending Lien letters, Notice of Lien, Impending Deed letters and so on. The number of certified mailings continues to be a larger amount as the economy continues to struggle and the cost of postage continues to increase.

Please provide a written justification for any variances from the 2018 budget: No change.

01.4150.15.420 Tax Collector – Telephone AMOUNT: \$ 1080.00

Itemization of line item: Based on last year's \$180.00 a month charge for phone and internet service. This cost is split between the Town Clerk and Tax Collector's budget.

Please provide a written justification for any variances from the 2018 budget: Change is based on amount that is currently charged for the telephone per the town administration.

01.4150.15.450 Tax Collector – Software AMOUNT: \$ 2,860.00

Itemization of line item: This is the cost of Avitar's support and software program yearly license for \$2,500 a year and also added is the cost for rental equipment to process credit cards over the counter that is compatible with the Avitar software. The rental cost is split with the Town Clerk's budget.

Please provide a written justification for any variances from the 2018 budget: An additional increase of \$360.00 to cover the rental equipment for processing credit card payments over the counter. This will be a new service for customers in 2019 to be able to utilize credit cards at the Tax Collector's office.

01.4150.15.470 Tax Collector - Office Supplies AMOUNT: \$800.00

Itemization of line item: This represents the amount needed for supplies to operate the Tax side of the office. It covers the envelopes and the pre-printed and perforated tax paper for tax billing.

Please provide a written justification for any variances from the 2018 budget: No change.

01.4150.480 Dues and Subscriptions AMOUNT: \$ 50.00

Itemization of line item: This is for the annual dues for the NH Tax Collectors Association for both Tax Collector and Deputy Tax Collector.

Please provide a written justification for any variances from the 2018 budget: No change.

01.4150.15.490 Tax Collector – Public Notices AMOUNT: \$0

Itemization of line item: No foreseen need to post any publication for tax office.

Please provide a written justification for any variances from the 2018 budget: No change.

01.4150.15.610 Tax Collector - New Equipment AMOUNT: \$ 250.00

Itemization of line item: Looking to purchase a rolling cart for the office to be shared with Town Clerk office for ease of carrying boxes to the basement for archive storage.

Please provide a written justification for any variances from the 2018 budget: No change.

01.4150.15.620 Tax Collector - Equipment Maintenance AMOUNT: \$80.00

Itemization of line item: We will have to purchase more toner for our stand alone printers used to print receipts, tax bills and reports.

Please provide a written justification for any variances from the 2018 budget: No change.

01.4150.15.710 Tax Collector – Mileage AMOUNT: \$500.00

Itemization of line item: Mileage is generated by depositing monies, attending conferences, regional meetings and training sessions. (We carpool whenever possible). Auditing procedures and State Department of Revenue requirements make deposits necessary for each day that we are open.

Please provide a written justification for any variances from the 2018 budget: No change

TOTAL Tax Collector's Proposed Budget \$47,845.00

FY2019 Budget Worksheet

DEPARTMENT: ELECTIONS

01.4140.13.112 Election Official Wages AMOUNT: \$ 1167.00

Itemization of line item: The moderator is paid \$100.00 per election. (\$10.00/hr for Supervisors of the Checklist. Mandated Sessions, 1 Election and Town Meeting, School Deliberative Session, Training, Tabulation of Election Results, Certification of Nomination Papers, Database Maintenance, Duplicates, 30-day letters, Prep of Annual Report and Annual Budget

Please provide a written justification for any variances from the 2018 budget: Decrease in cost due to having only 1 Election and Town Meeting in 2019.

01.4140.13.120 Elections – Ballot Clerk Wages AMOUNT: \$350.00

Itemization of line item: This represents 1 election to be held in 2019.

Please provide a written justification for any variances from the 2018 budget: Decrease in cost due to having only 1 election in 2019 from 3 in 2018.

01.4140.13.220 Elections-FICA AMOUNT: \$ 95.00

Itemization of line item: Based on 6.25% of combined Election Official and Ballot Clerk Wages (\$1517.00)

Please provide a written justification for any variances from the 2018 budget: Decrease in cost due to having only 1 election in 2019 from 3 elections in 2018.

01.4140.13.221 Elections-Medicare AMOUNT: \$ 21.00

Itemization of line item: Based on 1.4% of combined Election Official and Ballot Clerk Wages combined (\$1517.00)

Please provide a written justification for any variances from the 2018 budget: Decrease in cost is due to only having 1 election in 2019 from 3 elections in 2018.

01.4140.13.410 Postage AMOUNT: \$50.00

Itemization of line item: Postage for mailings to election officials and ballot clerks or to Secretary of State Office and Voter Registration requirements.

Please provide a written justification for any variances from the 2018 budget: No change.

01.4140.13.470 Office Supplies AMOUNT: \$100.00

Itemization of line item: The office expense is for regular office supplies as needed, envelopes, folders, pencils, markers or election posters etc...

Please provide a written justification for any variances from the 2018 budget: No change.

01.4140.13.490 Public Notices AMOUNT: \$ 146.00

Itemization of line item: This is for any public notices requiring publication. Supervisors of the checklist have 2 notices to be published in 2019

Please provide a written justification for any variances from the 2018 budget: Change is due to actual cost of \$73.00/per ad to list these ads in both local papers (The Messenger and The Villager). The Supervisors of the Checklist are required by law to post these notifications.

01.4140.13.900 Elections – Miscellaneous AMOUNT: \$ 400.00

Itemization of line item: Used to have town ballots and (any additional questions/ordinances to be voted on) printed for Town Elections and to purchase items to be used in election, posters, voting signs, booths or other necessary items required for town, state and federal elections.

Please provide a written justification for any variances from the 2018 budget: No change.

TOTAL Elections Proposed Budget \$2,329.00

MEMORANDUM**May 14, 2012****Town of Deering, NH 03244
BEACH AREA PARKING STICKER ORDINANCE****PROPOSED CHANGES and ALTERATIONS – 15October2018**

Enacted: 2010

Amended: 2012

Amended: 2018

Section I – PURPOSE & AUTHORITY

In accordance with an under the authority of the New Hampshire Revised Statutes Annotated, Chapter 41, Section 11 and Chapter 47, Section 17, VII and VIII, authorizing the Board of Selectmen to enact ordinances governing the use of public ways and traffic devises and signals, the following Ordinance is adopted by the Board of Selectmen of the Town of Deering. This ordinance reorganizes and amends the Previous Beach Area Parking Sticker Ordinance, as authorized under RSA 35-B:3, as ordered by the Board of Selectman on behalf of the Town of Deering, for the regulation of the use at this recreational or park facility, approved by a vote of said governing body on September 14, 2009, to be effective on January 1, 2010 and amended on June 16, 2010.

This policy shall provide the rules and regulations regarding the parking and control of such in the Deering Lake Public Beach Parking Area.

Section II – WORDS and PHRASES DEFINED

The following words and phrases when used in this Ordinance have the following meaning:

Beach Parking Area: The defined parking lot areas designated for beach visitor parking adjacent to Reservoir Road between the Boat Launch Driveway and the intersection with Cellar Hole Road, to exclude two parking spots designated within this area for use by the privately leased cabin adjacent to said parking lot area.

Day Passes: Shall mean single use/single vehicle issued passed that are available for purchase on-site for visitors who do not desire to obtain a permanent or annual parking sticker.

Park or Parking: The standing of a vehicle, whether occupied or not, attended or unattended, upon any street, road, or way, other than temporarily for the purposes of and while expeditiously taking or leaving passengers, or loading or unloading merchandise, then in actual readiness for immediate delivery or receipt.

Resident/Landowner Permanent Parking Sticker: A Town of Deering issued parking sticker, white in color, which shall be obtained through the Town Clerk's Office and shall be applied permanently to a specified and registered vehicle.

Non-Resident/Non-Landowner Annual Parking Sticker: A Town of Deering issued parking sticker, the color of which shall vary each year, which shall be obtained through the Town Clerk's Office for specified costs, and shall be applied permanently to a specified and registered vehicle.

Standing: Any stopping of a vehicle, whether occupied or not.

Vehicle: Vehicle shall have the same definition as found in RSA 259:122.

Section III – ORDINANCE: Parking Stickers Required at the Deering Lake Parking Area

- A. **Parking Sticker Required:** A Beach Area Parking Usage Permit Sticker shall be required to be appropriately displayed on every vehicle parked within the designated Parking Areas for the Deering Reservoir Beach on Reservoir Road in said Deering, NH, and upon any adjacent roadways or public properties that are signed to allow lawful parking. This Usage Permit sticker shall be of the size and design as determined by the governing body of the Town of Deering, and shall be placed on the lower left corner (driver's side) of the rear bumper of each vehicle using the Beach Parking Lot. This ordinance requirement shall be in effect between Memorial Day and Labor Day annually, and shall not be required at other such times.
- B. **Issuance of Parking Stickers:** Resident/Landowners: Usage Permit Stickers shall be issued (ANNUALLY) permanently and free of charge in the quantity of no more than one (1) for each vehicle registered in the Town of Deering and two (2) for Town of Deering primary assigned property taxpayers. All such Usage Permit Stickers shall be obtained during regular office hours from the Deering Town Clerk's Office.
- C. **Issuance of Parking Stickers:** Non-Resident/Non-Landowner: Annual Non-Resident Usage Permits may be purchased at a cost of \$15.00 (\$50.00) each, or at any other cost as determined by the governing body, annually to be active between Memorial Day and Labor Day of each year, and shall be issued in the quantity not to exceed one (1) annual non-resident parking permit for each licensed driver who presents him/herself and pays such fees. All such Usage Permit Stickers shall be obtained during regular office hours from the Deering Town Clerk's Office.
- D. **Day Passes:** Day passes for use by Non-Residents will be are available at a charge of \$5.00 (\$20.00) per vehicle at the Self-Service Kiosk located at the Deering Reservoir.
- E. **Revenues Received from Parking Sticker Sales:** All revenues received from Usage Permits will be held in a separate account for the use of improving/maintaining the Deering Reservoir Beach and Boat launch area. Such uses may include but not be limited to the hiring and wages of Police Detail Officers during expected busy usage periods (holidays and heat spells), or the hiring and wages of civilian Parking Enforcement Monitors.

Section IV – ORDINANCE: Display of Parking Stickers and Day Passes

- A. **Permanent Affixation Required:** All such issued Usage Permit Stickers shall be permanently affixed to a specified and recorded vehicle, and are NOT transferrable between any vehicles or parties. The failure to affix such permanent and annual parking stickers as so determined shall constitute a town ordinance violation.
- B. **Placeage:** All permanent and annual parking stickers shall be permanently affixed to their registered vehicle on the rear left bumper or rear left window (bottom portion) of said registered vehicle. Any variation of such placeage location shall constitute a town ordinance violation.
- C. **Day Use Pass Placeage:** Day use parking passes shall be completely filled out and placed upon the dashboard of such vehicle as shall be assigned to that specific pass. The identifying day use pass number(s) shall be visible from above/outside said vehicle at all times. Any variation of such completion and placeage location shall constitute a town ordinance violation. Any failure to remit payment for the Day Use Pass Fees shall constitute a town ordinance violation and may result in charges of Theft of Services under NH-RSA 637:8.

Section V – EXEMPTIONS

The following types of vehicles shall be exempt from the requirements to display parking stickers:

- A. Emergency Vehicles as defined by NH State Law, including but not limited to law enforcement vehicles, ambulances, fire fighting vehicles, emergency management vehicles, or other such related vehicles.
- B. Town or State Highway, Bridge, Dam, or other maintenance vehicles or equipment owned by or contracted by any Government Entity, to assist in the maintenance and/or upkeep of any public properties within the effected area(s).
- C. Vehicles bearing Handicap Placards or Handicap or Disable Veterans License Plates, as issued by the Department of Motor Vehicles/Registry in the Home State or Country of origin, under NH-RSA 265:73 and NH-RSA 265:74.
- D. Vehicles with attached to Boat Trailers, excepted only if they are parked within the designated Boat Trailer Parking Area opposite the levee on Reservoir Road.
- E. Vehicles with attached roof carrying mechanisms as long as they park within any designated Car Top Boat Carrier Parking Area, should such an area be so designated either permanently or on any temporary basis by the Board of Selectman or their designee(s), or by the Chief of Police or his designee(s).
- F. Vehicles associated with any special event, where such special event has received prior approval for such exemption of the parking permit requirements by the Chief of Police or his designee, or from the Town Administrator and/or Board of Selectman.
- G. Vehicles directly associated with any lessee of the cabin that sits between the Beach Parking Area and the Beach Area, as long as said vehicles are parked within the two designated parking spots for said cabin, and as long as they display an authorized visitor notice.

Section VI – ENFORCEMENT

This ordinance shall be enforced by any Police Officer of the Deering Police Department, or by any other Police Officer with jurisdiction, or by any duly authorized Civil Parking Official as designated and appointed by the governing body of the Town of Deering, either actual jurisdiction or constructive jurisdiction via any authorized Mutual Aid Agreement. Nothing in this section shall remove an individual officer's discretion in regards to the actual enforcement or issuance of fines and penalties relating to this section.

Section VII - PENALTIES

- A. A (known) first offense for such violation may be issued a Civil Penalty fine of \$50.00, payable to the Town of Deering and answered via the Police Department within 72 hours (5 business days) of issuance.
- B. A (known) second or subsequent violation may be issued a Civil Penalty fine of at least \$100.00 but no more than \$250.00, payable to the Town of Deering and answered via the Police Department within 72 hours (5 business days) of issuance.
- C. Any such violations, in lieu of a Civil Penalty Fine, may be issued a Town Ordinance Violation Summons requiring the vehicle owner to report to the District Court of Jurisdiction for arraignment.
- D. Violations shall be the responsibility of the Registered Owner of any vehicle except in such cases as where the registered owner has positively identified the person who was, at the time of violation, in actual control of said vehicle.
- E. At the discretion of a sworn police officer, violators may also be towed from the area at the expense and costs of the owner or operator of said vehicle, providing that signs warning of such towing are in place and publicly visible in or near the parking areas.

Section VIII – Default or Appeal

If any owner/operator of a vehicle fails to pay any Civil Penalty Fine within the required time period for response, OR otherwise requests an appeal or court hearing of such Civil Penalty Fine under this section, the Police Department shall issue to any such person a summons to appear in the District Court of Jurisdiction for arraignment and such applicable hearings, that being the 6th Circuit Court- Hillsborough.

Section IX - Severability

In the event any section, subsection, sentence, clause or phrase of this Ordinance shall be adjudicated to be invalid or unconstitutional, such part or phrase is declared to be severable, and all remaining portions of this Ordinance shall remain in full force and effect.

CERTIFICATION:

The above Ordinance for the Town of Deering was approved, with said amendments and updates on:

_____, of the year _____ by a vote of the Board of Selectman.

For the Board of Selectman

MEMORANDUM

October 11, 2018

Town of Deering, NH 03244 GENERAL PARKING and TRAFFIC CONTROL ORDINANCE

PROPOSED CHANGES and ALTERATIONS – 15October2018

Enacted: 1970
Amended: 1994
Amended: 1999
Amended: 2012
Amended: 2018

Section I - Authority

In accordance with an under the authority of the New Hampshire Revised Statutes Annotated, Chapter 41, Section 11 and Chapter 47, Section 17, VII and VIII, authorizing the Board of Selectmen to enact ordinances governing the use of public ways and traffic devises and signals, the following Ordinance is adopted by the Board of Selectmen of the Town of Deering. This ordinance repeals and replaces the Previous Parking Ordinance.

Section II - Words and Phrases Defined.

The following words and phrases when used in this Ordinance have the following meaning:

Curb: The lateral boundaries of the portion of a street designated for the use of vehicles, whether marked by curbstones or not so marked.

Immediately Adjacent Parking: shall mean any portion of a vehicle or its load that is parked within five (5) feet of the travel portion and immediate shoulder portion of any public roadway within the Town.

Park or Parking: The standing of a vehicle, whether occupied or not, attended or unattended, upon any street, road, or way, other than temporarily for the purposes of and while expeditiously taking or leaving passengers, or loading or unloading merchandise, then in actual readiness for immediate delivery or receipt.

Public Portion of Roadway: Shall mean the entire travel portion of said roadway as well as the ditching, curbing, or curtilage of said roadway, specifically to include all area “between the stone walls” of any way, and in any manner shall include a minimum of 25 feet from the center line of any roadway.

Standing: Any stopping of a vehicle, whether occupied or not.

Stop: When required, means complete cessation of movement, while said vehicle is still completely under the control and direction of a validly licensed driver. Completely under the control shall mean

said driver is in actuality behind the controls of said vehicle, and said vehicle is prepared for immediate movement.

Stop or Stopping: When prohibited means any stopping of a vehicle when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control sign or signal.

Trash: Debris, rubbish, garbage or any material that would meet the description of the same under RSA 149-M.

Way: Way shall have the same definition as found in RSA 259:125. It is otherwise termed as a road, a roadway, a street, an avenue, or any other such common meaning.

Winter Weather Event: Shall mean any snow, rain, sleet, freezing rain, ice, fog, or other winter season precipitative storm event occurring between October 15th and April 15th of any Calendar Year, and shall include the periods of time Immediately prior to, during, and immediately following a Winter Weather Event which shall be defined as the 24 hours prior to a forecasted weather event, the entirety of a weather event, and the 48 hours following the end of a weather event.

Vehicle: Vehicle shall have the same definition as found in RSA 259:122.

Section III - General Parking Regulations (1970)

Unless directed by a Police Officer or in compliance with an official traffic control device, no person except the driver of an emergency vehicle shall on any way park any vehicle:

A. General Parking Prohibitions - No vehicle shall be parked or stopped within the Town of Deering:

1. Upon the roadway side of any stopped or parked vehicle, or upon any sidewalk, or upon or within 30 feet of any intersection, or upon or within 20 feet of any crosswalk.
2. Adjacent to, or alongside, any street excavation, or upon any bridge, or upon any railroad tracks.
3. At any place where official signs prohibit parking.
4. In front of any public or private driveway.
5. In any parking space, whether on public or private property, specially designated for the physically handicapped by means of a sign stating that the space is reserved for the physically handicapped or displaying the "Wheelchair Symbol" as defined in RSA 275-C: 9, unless that person has a special registration number plate, decal tag, or car issued pursuant to RSA 261:86, RSA 261:87, or RSA 261:88.
6. Within 20 feet of any entrance to a Fire or Police Station (unless a parking space is clearly designated by signs or pavement markings).
7. For a period of time greater than that indicated by signs erected upon the authority of the Chief of Police, the Road Agent, the Fire Chief, or the Administrative Body of the Town of Deering.
8. On any town owned roadway for a period greater than 24 hours, after 24 hours a towing sticker will be placed on the vehicle giving the owner only 24 additional hours to remove. This only applies to roadways that are not marked with an allowable parking time of less than 24 hours.

B. Drivers of vehicles shall at all times park their vehicles:

1. With right side wheels to the curb (unless official traffic control devices designate to the contrary).
2. No further than 1 foot from the nearest curb.
3. Within any pavement markings designating a parking space if such markings exist.

C. Between November 1st and April 1st from 12:00 A.M. to 6:00 A.M., no vehicle shall be parked beyond

the boundaries of the public way within the Town so that it interferes with the removal of snow from the highways and parking lots. (1970)(DELETE – THIS SECTION TO BE REMOVED IF AMENDMENTS BELOW ARE ADOPTED)

D. Special Parking Prohibitions:

1. Winter Weather Parking Prohibition: Between October 15th and April 15th of each Calendar Year, it shall be a violation to park a vehicle of any type upon or adjacent to the public portion of any Town or State maintained Roadways within the Town of Deering at any time immediately prior to, during, or immediately following a Winter Weather Event, or in any other manner as to interfere with the safe and efficient removal or disposal of snow or other matter, or any other road maintenance, from or upon the highways and parking lots within the Town.
2. Overnight Parking Prohibited: It shall be a violation to park or otherwise leave any vehicle upon or immediately adjacent to the public portion of Town or State maintained Roadways within the Town of Deering, between the hours of Midnight and 6:00 AM on any day of the week throughout the entirety of the Calendar Year.

E. Beach and Boat Launch Parking Prohibited: Enacted August 18, 1999

1. It shall be unlawful for any person to park or let stand any motor vehicle or trailer in the designated as No Parking zones along Reservoir Road in the area of the Deering Reservoir Dam.
2. It shall be unlawful for any person to park or let stand any motor vehicle with an attached trailer in any other parking zone that is otherwise not designated as a trailered vehicle parking area along Reservoir Road in the area of the Deering Reservoir Dam.
3. It shall be unlawful for any person to park or let stand any motor vehicle or trailer at the Public Boat Launch, so called, in the area designated at the Deering Reservoir Dam in said areas posted with appropriate signs, except for the purpose of:
 - a. Launching or picking up watercraft.
 - b. Temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
 - c. Work being done by employees of the Town of Deering or any governmental agency, said persons must be actively working at said time.
4. It shall be unlawful for any person to park or let stand any motor vehicle that is not towing an attached trailer in any area marked specifically for the parking of trailered vehicles only.

F. Citations and Towing of Unlawfully Parked Vehicles (1970)

1. Any vehicle parked contrary to this ordinance may be towed at the owners' expense, in the following manner:
2. No Parking Zones will be signed as such by the Town of Deering in a manner and place approved by the Public Safety and Road Agents of the Town of Deering, in such a way as to warn violators of such a towing policy.
3. Any Police Officer may authorize towing for any violations of this ordinance.
4. The Road Agent of the Deering Highway Department or his designee may order vehicles towed for violations of Section III when said violator is impeding the plowing or removal of snow.
5. Any person(s) whose vehicle is towed pursuant to this ordinance shall be liable for all costs of such towing and storage, but shall have a right to a hearing upon the same terms and conditions as set forth in RSA 262:33 II and III.
6. Any Law Enforcement Officer or Parking Control Officer assigned by the Police Department shall have the authority to issue Citations and Fines for Violation of these Ordinances, as further set forth in the Enforcement section of this ordinance.

G. Exemptions of Parking Control:

All such parking restrictions as defined in this ordinance shall not apply to:

1. Emergency vehicles, government or government contract maintenance vehicles, or other such vehicles official vehicles conducting lawful business, or
2. Vehicles that may have obtained a temporary parking approval for such action by the Chief of Police, the Chief of Fire, the Road Agent, or the Town Administration.
3. Vehicles bearing Handicap Placards or Handicap or Disable Veterans License Plates, as issued by the Department of Motor Vehicles/Registry in the Home State or Country of origin, under NH-RSA 265:73 and NH-RSA 265:74.

H. Parking Fines and Forfeitures: (1994)

1. Any person violating any provisions of this Section, excluding Paragraph G shall be guilty of an ordinance violation, provided however that such person may pay Civil Forfeiture to the Town of Deering, via the Police Department in the amount of not less than \$25.00 (\$50.00) within 72 hours (5 business days). If such forfeiture is paid, no further action will be taken against such person.
2. Any person violating any provisions of this Section in a Second or Subsequent Incident, excluding Paragraph G shall be guilty of an Ordinance Violation, provided however that such person may pay Civil Forfeiture to the Town of Deering, via the Police Department in the amount of not less than \$50.00 (\$100.00) within 72 hours (5 business days). If such forfeiture is paid, no further action will be taken against such person.
3. Any person who fails to comply with the civil fine/forfeiture as assessed within the given time period shall be summons by the Police Department to answer said violations in the appropriate court of jurisdiction, at present that being the 6th Circuit Court- Henniker or the 6th Circuit Court- Hillsborough.
4. If any person requests a hearing or appeal of any fine or forfeiture under this section, the Police Department shall act to prepare a summons for the defendant to answer said violations in the appropriate court of jurisdiction, at present that being the 6th Circuit Court- Henniker or the 6th Circuit Court- Hillsborough.
5. Any person violating any provisions of Paragraph G shall be guilty of a violation, and shall be summons by the Police Department to answer to said Violation through the civil process as designated by the NH Department of Safety.
6. The registered owner of any vehicle violating any part of this section shall be liable for said violation and for any fine or forfeiture resulting from said violation, unless such owner personally identifies the operator or person who had control of said vehicle at the time of offense, and then said operator shall be found in violation.
7. Nothing in this section shall act to remove the discretionary authority of any police officer in regards to these matters.

I. Enforcement of Parking:

This ordinance shall be enforced by any Police Officer of the Deering Police Department, or by any other Police Officer with jurisdiction, either actual jurisdiction or constructive jurisdiction via any authorized Mutual Aid Agreement. Nothing in this section shall remove an individual officer's discretion in regards to the actual enforcement or issuance of fines and penalties relating to this section.

J. Appeal of Civil Forfeiture/Fine:

If any person fails to pay any Civil Penalty Fine within the required time period for response, OR otherwise requests an appeal or court hearing of such Civil Penalty Fine under this section, the Police Department shall issue a summons to said person to appear in the District Court of Jurisdiction for arraignment and such applicable hearings, that being the 6th Circuit Court- Hillsborough.

Section IV - Speed Limits

In accordance with the provisions of the New Hampshire revised Statutes Annotated, Chapter 265, Section 63, the Board of Selectmen finds by traffic investigation that the prima facie speed limits contained with New Hampshire Revised Statutes Annotated, Chapter 265, Section 60 are greater than reasonable for certain streets with the Town of Deering, and therefore established the following alteration of speed limits as the reasonable prima facie limits for those streets, as follows:

- A. Unless otherwise posted, it shall be unlawful for any person to operate a motor vehicle on any Town of Deering Roadways at a speed greater than 30 miles per hour. Signs advising drivers of such should be posted upon the entrance into the jurisdiction of the Town of Deering upon each Town of Deering Roadway. No other signs shall be necessary to enforce this sub-section, assuming that such signs are, in good faith, kept posted in a visible and proper manner. (2003)
- B. Unless otherwise posted, it shall be unlawful for any person to operate a motor vehicle on the following public ways in the town at a speed greater than 25 miles per hour:
 - 1. Manselville Road
 - 2. Union Street
 - 3. Mill Street
 - 4. Longwoods Road between Longwoods Auto and Union/Mill Street
 - 5. Old County Road between the northern intersection of Mountain View Drive and the intersection with Route 149.
- C. The Town of Deering shall not make any rule defining the speed limits upon NH Route 149 without the express approval of the NH Department of Transportation, OR in a bona-fide emergency situation as directed by the Chief of Police, the Chief of the Fire Department, the Road Agent, the Emergency Manager, or by the Incident Commander of such emergency.
- D. Speed limits within the Town of Deering shall be enforced by the Police Department under rules and guidelines governed under applicable New Hampshire laws and rules.
- E. Emergency Vehicles, as defined in NH Statute, and operating under those rules and regulations, may be exempted from such speed rules under certain circumstances as set forth under law.

Section V - One-way Public Ways

In accordance with the provisions of the New Hampshire revised Statutes Annotated, Chapter 265, Section 63, the Board of Selectmen finds by traffic investigation that certain streets within the Town of Deering should be controlled as for safety, viewpoints, and roadway construction, and therefore established the following regulations as to direction of travel, as follows:

- A. Traffic on Farrell Hill Road between the intersection of Pleasant Pond Road and the intersection of NH Route 149 shall be directed as one-way, southbound only, at all hours of the day or night.
- B. **Exemptions for Certain Vehicles:** All emergency vehicles, when acting within a bona fide emergency response, or any public maintenance vehicles, buses, and delivery vehicles may be exempt.
- B. The Police Department shall act to enforce this ordinance under rules and guidelines governed by applicable New Hampshire laws and rules.

Section VI – Stop Signs/Yield Signs

The Board of Selectman, upon the advice of any or all members of the Deering Highway Safety Committee, may act to direct the erection of stop signs or yield signs upon any intersection or roadway, pursuant to NH-RSA 265, Section 63, the Board of Selectmen finds by traffic investigation that certain streets within the Town of

Deering should be controlled as for safety, viewpoints, and roadway construction, and therefore established the following regulations as to control of intersections, as follows:

- A. No vehicle shall be driven through such a stop sign without coming to a full and complete stop, and once stopped, shall not proceed until it is safe to do so based upon the traffic conditions present.
- B. No vehicle shall be driven through such a yield sign without slowing to an appropriately decreased speed and properly giving way to any other traffic as may be present.
- C. The Police Department shall act to enforce this ordinance under rules and guidelines governed by applicable New Hampshire laws and rules.
- D. **Exemption of Certain Vehicles:** All emergency vehicles when acting within a bona fide emergency response, may be exempt so long as they are being operated in a manner that does not recklessly endanger another and are complying with applicable emergency vehicle response rules and laws.

Section VII – Restricting Passenger Vehicles Traveling on Other Than Ways

Motor Vehicles designed and registered solely for use upon a roadway should only be driven upon such roadways, to include Class I through Class VI Public Ways, but not excluding any designated private roadways or driveways.

- A. Vehicles shall not be driven on any sidewalk or upon any roadway shoulder, except to enter a permanent or temporary driveway, or at the direction of a police officer, firefighter or public maintenance or utility worker.
- B. Passenger Vehicles shall not be driven upon any designated OHRV or recreational trail, except to enter or cross any permanent or temporary driveway, or at the direction of a police officer, firefighter, or public maintenance or utility worker.
- C. **Exemption of Certain Vehicles:** Any emergency vehicle or public works vehicle being operated in a bona fide emergency, or in a preventative patrol manner, or for maintenance or repairs of town infrastructure, shall be allowed to travel on otherwise restricted roadways, trails, or properties. Any member of the Town's Police, Fire, Rescue, or Public Works, when acting in an official capacity, may operate a privately owned vehicle upon such otherwise restricted roadways, trails, or properties.
- D. The Police Department shall act to enforce this ordinance under rules and guidelines governed by applicable New Hampshire rules and laws.

Section VIII – Seasonal Weight Limits (1977)

In accordance with the provisions of the New Hampshire revised Statutes Annotated, Chapter 265, Section 63, the Board of Selectmen finds by traffic investigation that certain streets within the Town of Deering should be controlled as for safety, viewpoints, and roadway construction, and therefore established the following regulations as to vehicular and load weight limits and sizes, as follows:

- A. In order to preserve the Town Highways, all Town of Deering Roads shall be closed to trucking (pickup trucks under 16,000 lbs. gross vehicle weight, emergency vehicles, milk vehicles, road agent vehicles, and school buses excluded) during the period from March 1st to May 15th, or until declared open by the Selectmen and/or the Road Agent for the Town.
- B. **Exemptions for Certain Vehicles:** This section shall NOT apply to Pickup Trucks under 16,000 lbs. gross vehicle weight, Emergency Vehicles, Milk Vehicles, Fuel Delivery Vehicles, Town Highway Maintenance Vehicles, or School Busses.
- B. The enforcement of such weight limits shall be by the Police Department, by and through a summons to appear in the appropriate court of Jurisdiction, that being the 6th Circuit – Hillsborough District Court, for arraignment on a complaint alleging such a violation.

Section IX – Enforcement

The provisions of this entire ordinance regarding parking and traffic control shall be enforced by any Police Officer of the Deering Police Department, or by any other Police Officer with jurisdiction, either actual

jurisdiction or constructive jurisdiction via any authorized Mutual Aid Agreement. Nothing in this section shall remove an individual officer's discretion in regards to the actual enforcement or issuance of fines and penalties relating to this section.

Section X – Default or Appeal

If any person fails to pay any Civil Penalty Fine assessed due to any violation of this ordinance, within the required time period for response, OR otherwise requests an appeal or court hearing of such Civil Penalty Fine under this section, the Police Department shall issue a summons to said person to appear in the District Court of Jurisdiction for arraignment and such applicable hearings, that being the 6th Circuit Court- Hillsborough.

Section XI - Severability

In the event any section, subsection, sentence, clause or phrase of this Ordinance shall be adjudicated to be invalid or unconstitutional, such part or phrase is declared to be severable, and all remaining portions of this Ordinance shall remain in full force and effect.

CERTIFICATION:

The above Ordinance for the Town of Deering was approved, with said amendments and updates on:

_____, of the year _____ by a vote of the Board of Selectman.

For the Board of Selectman

MEMORANDUM

May 15, 2012

TOWN OF DEERING, NEW HAMPSHIRE ANIMAL and DOG CONTROL ORDINANCE

Enacted 1980
Amended 1990
Amended 1994
Amended 1999
Amended 2013

Section I - POLICY STATEMENT & AUTHORITIES

The purpose of this ordinance is to set forth and govern the licensure, vaccination, and control of dogs within the Town of Deering, pursuant to the Town's Authority under New Hampshire Statutes 47:17, 466:30, 466:31, and all other related animal and dog control statutes.

Section II - DEFINITIONS

For the purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Dog: Shall mean any canine or canine mix, licensed or unlicensed, of any age, including both spayed/neutered canines and any such that are not so spayed/neutered.

Animal: Shall mean any other mammal, fowl, or reptile, be they domesticated, feral, or wild, to include but not be limited to any such farm animals.

Stray/Running At Large: Shall mean any dog or other animal that is not upon the property of its owner and is not otherwise under the constant and complete control of its owner or appropriate guardian.

Nuisance: Shall mean any sustained noise created by any dog or other animal, of a period exceeding 30 minutes, such noise that can be heard in a public place, or in any other private place.

Vicious: Shall mean any instance of barking, growling, snapping, lunging, jumping, biting, snarling, scratching, or any other activity which may be considered an attack or threat of attack against any person or against any other dog or animal, whether such occurs singularly or within a pack of dogs or animals, and regardless of whether any injury or damage actually occurs to any person or animal.

Section III – DOG CONTROL ORDINANCE (1980, amended 1990 & 1999)

- A. **Dogs Causing Nuisances:** No dog, whether licensed or unlicensed, shall run at large or in any other way make a nuisance of itself within the limits of the Town of Deering. The term "nuisance" or "vicious" as herein used shall be considered to be as defined in N. H. RSA, Chapter 466, Section 31, Paragraph II: A dog is considered to be a nuisance, a menace, or vicious to persons or to property under any or all but not limited to the following conditions:

1. If it barks for sustained periods of more than 1/2 hour, or during the night hours so as to disturb the peace and quiet of a neighborhood or area;
2. If it digs, scratches, or excretes, or causes waste or garbage to be scattered on property other than its owner's;
3. A female dog in season (heat) shall not be permitted to run at large or be off the premises of the owner or keeper during this period except when being exercised on a leash by a responsible adult. At all other times such dog shall be confined within a building or enclosure in such manner that she will not come in contact (except for intentional breeding purposes) with a male dog. A female dog in heat shall not be used for hunting;
4. If it growls, snaps at, runs after or chases any person or persons;
5. If it runs after, or chases bicycles, motor vehicles, motorcycles, or other vehicles being driven, pulled or pushed on the streets, highways, or public ways;
6. If, whether alone or in a pack with other dogs, it bites, attacks, or preys on game animals, domestic animals, fowl or human beings."

B. Dogs Running at Large: No dog, whether licensed or unlicensed, shall run at large or in any other way make a nuisance of itself within the limits of the Town of Deering.

1. Any dog who is found to be running at large or to be causing a nuisance in violation of this ordinance may, at the discretion of the Police Chief of the Town of Deering, be impounded or otherwise restrained at the expense of the owner.
2. Any dogs found running at large, without having attached to the same either the license or the owner's name and address shall be impounded. If the dog is unclaimed at the end of 7 days, the dog may be disposed of in accordance with applicable laws or rules and regulations.
3. Exemptions: This subparagraph shall not include a dog which is being used for hunting, herding, supervised competition, or exhibition or training for such activities if accompanied by the owner or custodian, meaning that the owner or custodian must be able to see or hear the dog, or have reasonable knowledge of where the dog is hunting or herding, or where training is being conducted or where trials are being held, provided that such dog does not have to be within sight at all time;

Section IV – DOG REGISTRATIONS and VACCINATIONS REQUIRED

Under New Hampshire Statutes 466:30, 466:31, and other related and subsequent laws and rules, all dogs over the age of 6 months shall be registered with the Town Clerk of the Town of Deering annually, and shall have valid and up-to-date Rabies Vaccinations Certifications on file with said Town Clerk. Any failure to abide by this ordinance shall be a Violation of same.

Section V – IMPOUNDMENT and SEIZURES

- A. Quarantine: Dogs or other animals found to have been vicious which caused any injury to a person or another animal, shall be quarantined for a period of no less than 10 days, and shall be examined by a license veterinarian at the conclusion of that time period. At the discretion of a Police Officer or assigned Animal Control Officer, this quarantine may be allowed to occur at the dog's place of residence, although in many cases it should be done at a veterinary facility or a secure kennel.
- B. Impoundment: Dogs or other animals found to be vicious, whether or not they have caused injury, may be impounded by a Police Officer or assigned Animal Control Officer for a period of time, for a minimum of 10 days, for evaluation for the public safety, by removing the dog to a secure kennel facility.

- C. Impoundment/Stray: Any dog or other animal found to be a nuisance or running-at-large or stray, who is not wearing a dog registration tag, or whose owner cannot be readily identified or located, OR any such dog that has a known history of running-at-large, may be impounded by any Police Officer or Animal Control Officer for a period of time until such owner can be located.
- D. Seizures: If the Police Department has knowledge of a vicious and/or dangerous dog or other animal, or any dog or other animal that is in need of emergency medical care, they may seize said dog or other animal with a Search and Seizure warrant, or in an emergency situation, under probable cause as a community caretaking function, and hold said dog at a secure kennel facility until directed to release said dog or other animal by a court of jurisdiction, or until such dog or animal is no longer considered a threat to public safety.
- E. All costs related to the quarantine, impoundment, or seizure of any dog or animal shall be borne by the owner of the dog or animal in question. These costs may include but not be limited to the wages or fees charged by any animal control officer or animal welfare agency, any kennel or stabling fees, and emergency medical or veterinary care for any injured animal or person, any food or medications for such dog or animal during the period of quarantine, impound, or seizure, and any other associated costs.

Section VI – Application of Ordinance to Other Animals

The above restrictions defined as applying to and the controlling of Nuisance, Vicious, and At-Large Dogs, shall also apply to any other domesticated animal, farm or stock animal, including but not restricted to horses, cows, sheep, goats, pigs, fowl of all kinds, or any other such mammal, marsupial, fowl, reptile, farm animal, stock animal, or any other animal, be they domesticated, semi-domesticated, feral or non-feral, as such can be determined to be owned or cared for by any person.

Section VII – ENFORCEMENT

This ordinance shall be enforced by any Police Officer of the Deering Police Department, or by any other Police Officer with jurisdiction, OR by any Animal Control Officer assigned or contracted by the Town of Deering or the Deering Police Department, either actual jurisdiction or constructive jurisdiction via any authorized Mutual Aid Agreement. Nothing in this section shall remove an individual officer's discretion in regards to the actual enforcement or issuance of fines and penalties relating to this section.

Section VIII - PENALTIES

Any person, firm, or corporation who violates the provisions of this Chapter shall be guilty of a Town Ordinance Violation for each offense and shall be subject to a fine of not less than \$25.00 dollars, nor more than \$500.00 for each offense. Such offenses may be investigated and enforced by members of the Police Department. Such fines as assessed shall be paid to the Town of Deering via the Deering Police Department within 72 Hours (5 days).

Section IX – APPEAL

If any person fails to pay any Civil Penalty Fine within the required time period for response, OR otherwise requests an appeal or court hearing of such Civil Penalty Fine under this section, the Police Department shall issue a summons to said person to appear in the District Court of Jurisdiction for arraignment and such applicable hearings, that being the 6th Circuit Court- Hillsborough.

Section X - SEVERABILITY

If any provisions of this Section or the application of such provisions to any person or circumstances shall be held invalid, the validity of the remainder of this Section and applicability of such provisions to other persons or circumstances shall not be affected thereby.

CERTIFICATION:

The above Ordinance for the Town of Deering was approved, with said amendments and updates on:

_____, of the year _____ by a vote of the Board of Selectman.

For the Board of Selectman

MEMORANDUM

May 15, 2012

TOWN OF DEERING, NEW HAMPSHIRE LITTERING AND DUMPING ON TOWN PROPERTY

Enacted 1974
Amended 2013
Amended 2018

Section I - POLICY STATEMENT & AUTHORITIES

The purpose of this ordinance is to set forth and govern the dumping of any refuse or garbage upon public or town properties, as authorized under New Hampshire RSA 31:39 I(a), 265:102, 265:103, and 163-B, or other statutes as applicable, for the health, safety, and cleanliness of the Town of Deering.

Section II - DEFINITIONS

For the purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Garbage or Refuse: shall mean any product, byproduct, manmade or processed item, poisonous item or liquid, dead animal in part or whole, or anything else of a liquid or physical nature as discarded, either temporarily or permanently, by any person.

Town Commons: shall mean any public lands, places, or waters within the Town of Deering, to include but not be limited to publicly owned and maintained parks, cemeteries, beaches, lakes, streams, rivers, ponds, parking lots, roadways, trails, or other such lands or places that may be owned, leased, controlled, or otherwise maintained by any public or government entity for the use, livelihood, or enjoyment of the general public or any public worker.

Town Buildings: shall mean any buildings or structures owned, leased, controlled, or maintained by the Town of Deering OR any other building that may be owned, leased, controlled, or maintained by any other government entity, to include but not be limited to the cartilage of such buildings and any refuse receptacles associated to such building(s).

Person: for the purposes of this ordinance, person shall mean any person, singularly or in concert with another, as well as any corporation, business, group of persons, or other such association.

Singular Item: shall mean any single small piece of refuse or garbage, or any manner of such that would fill less than one paper shopping bag by volume.

Multiple/Large Items: shall mean any multiple items or refuse, or any manner of such that would not be able to be contained within one paper shopping bag

Section III –ORDINANCE – Littering or Illegal Dumping (1974)

The dumping of any garbage or refuse on or around the Town Commons, Town Lands, Public Ways, Public Trails, Public Waters, and Town Buildings is prohibited at all manners and times.

Section IV - EXEMPTIONS

- A. A person may deposit garbage or refuse upon such property that is designated by the Town or State, or by any of its agencies or political subdivisions for the disposal of such litter, in as much as such person is authorized or otherwise permitted by the Town of Deering to use such property in such a manner; OR
- B. Such litter is placed into a litter receptacle or container installed on such property; OR
- C. Such person is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of said owner or tenant, all in a manner consistent with the public welfare.

Section V – ENFORCEMENT

This ordinance shall be enforced by any Police Officer of the Deering Police Department, or by any other Police Officer with jurisdiction, either actual jurisdiction or constructive jurisdiction via any authorized Mutual Aid Agreement. Nothing in this section shall remove an individual officer's discretion in regards to the actual enforcement or issuance of fines and penalties relating to this section.

Section VI - PENALTIES

- A. Any person who violates the provisions of this Chapter by depositing singular item, may be issued Town Ordinance Violation for each offense and shall be subject to a fine of \$250.00 for each known first offense, nor more than \$1,000.00 for each subsequent offense. Such fines as assessed shall be paid to the Town of Deering and answered via the Police Department within 72 hours. Violators shall be responsible for paying all costs and fees involved with any clean up and/or repairs relative to such violation.
- B. At the discretion of the investigating law enforcement officers, a suspect in such a case may be arrested and cited into District Court on a violation of criminal statutes in lieu of a Civil Penalty Fine under this ordinance.
- C. Any person, firm, or corporation who violates the provisions of this Chapter by depositing large or multiple items, may be subject to arrest under applicable New Hampshire State law and shall be ordered to appear in the District Court of Jurisdiction, that being the 6th Circuit Court-Hillsborough, for arraignment on said charges, which shall be a Misdemeanor Offense under NH-RSA 163-B.

Section VII – APPEAL

If any person fails to pay any Civil Penalty Fine within the required time period for response, OR otherwise requests an appeal or court hearing of such Civil Penalty Fine under this section, the Police Department shall issue a summons to said person to appear in the District Court of Jurisdiction for arraignment and such applicable hearings, that being the 6th Circuit Court- Hillsborough.

Section VIII - SEVERABILITY

If any provisions of this Section or the application of such provisions to any person or circumstances shall be held invalid, the validity of the remainder of this Section and applicability of such provisions to other persons or circumstances shall not be affected thereby.

CERTIFICATION:

The above Ordinance for the Town of Deering was approved, with said amendments and updates on:

_____, of the year _____ by a vote of the Board of Selectman.

For the Board of Selectman

MEMORANDUM

May 14, 2012

TOWN OF DEERING, NEW HAMPSHIRE OPEN CONTAINERS OF ALCOHOLIC BEVERAGES

Enacted 1994
Amended 1999
Amended 2013
Amended 2018

Section I – Purpose Statement and Authority

The purpose of this Section is to establish standards for the control of alcoholic beverages upon public properties within the Town of Deering. This ordinance replaces and/or amends the Open Container ordinance as passed and adopted in March 1994, with inclusion of any previous amendments, as authorized under New Hampshire Statute 47:17.

Section II - Definitions

For the purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Alcoholic Beverage: shall mean any beverage that contains any amount of alcohol volume, as defined in Chapter 175 of the NH Statutes.

Public Way, Public Sidewalk, Public Parking Lot: shall mean any such area as otherwise defined within Town of Deering municipal ordinance or under applicable NH Statutes.

Public Beach: shall mean any beach area, adjacent picnic area, adjacent public areas, and any parking areas thereof, within the Town of Deering.

Other Public Areas: shall include but not be limited to any property or lands as owned, leased, controlled, or otherwise governed by the Town of Deering, the State of New Hampshire, or any other public or government agency.

Open Container: shall mean any container of liquid beverage with its seal broken, including but not limited to cups, glasses, cans, bottles, kegs, barrels, or any other conveyance to hold liquid.

Possession: shall mean actual or constructive possession, to include any manner of possession, including but not limited to containers, coolers, bags, boxes, or any other such conveyance that shall be determined to be the property of or accessible by any such possessory person.

Section III – ORDINANCE: Open Containers of Alcoholic Beverage Prohibited on Public Property (1994)

A. No Person shall have in their possession any unsealed or open container of any alcoholic beverage or

alcoholic liquor as defined in Chapter 175 of the New Hampshire Revised Statutes Annotated, upon any public way, or public street, public sidewalk, public parking lot, public property, or public beach or in any vehicle parked there within the limits of the Town of Deering.

- B. No person shall have in their possession any unsealed or open container of alcoholic beverage within any Town of Deering Building, to include but not be limited to the Town Hall and Offices.

Section IV – Exemptions and Special Event Permits

- A. The NH Liquor Commission, the Chief of Police or his designee, the Town Administrator, or the Board of Selectman may grant special, singular event permission(s) to any person or persons for the use of alcoholic beverages within the confines of a public area that the Town has control over in connection with any gathering or function on such conditions as it may deem advisable.
- B. The Town of Deering shall maintain policies regarding the issuance of permits and authorities for such exempted events, including such policies as may require applications, police review, police security details, fire security details, hall rental fees, security deposits, or other such reasonable restrictions.
- C. Where required by State Law, organizers of any special event shall abide by such alcohol licensing “event” permit(s) as required by the NH Liquor Commission, in addition to abiding by this Town Ordinance.

Section V – Enforcement

This ordinance shall be enforced by any Police Officer of the Deering Police Department, or by any other Police Officer with jurisdiction, either actual jurisdiction or constructive jurisdiction via any authorized Mutual Aid Agreement. Nothing in this section shall remove an individual officer’s discretion in regards to the actual enforcement or issuance of fines and penalties relating to this section.

Section VI - Penalty

Any person, firm, or corporation who violates the provisions of this Chapter shall be guilty of a Town Ordinance Violation for each offense and shall be subject to a fine of not less than \$50.00 dollars, nor more than \$200.00 for each offense. Such fines as assessed shall be paid to the Town of Deering via the Police Department within 72 Hours (5 days) of the date of issuance.

Section VII – Appeal

If any person fails to pay any Civil Penalty Fine within the required time period for response, OR otherwise requests an appeal or court hearing of such Civil Penalty Fine under this section, the Police Department shall issue a summons to said person to appear in the District Court of Jurisdiction for arraignment and such applicable hearings, that being the 6th Circuit Court- Hillsborough.

Section VIII - Severability

If any provisions of this Section or the application of such provisions to any person or circumstances shall be held invalid, the validity of the remainder of this Section and applicability of such provisions to other persons or circumstances shall not be affected thereby.

CERTIFICATION:

The above Ordinance for the Town of Deering was approved, with said amendments and updates on:

_____, of the year _____ by a vote of the Board of Selectman.

For the Board of Selectman

MEMORANDUM

December 5, 2012

Town of Deering, NH 03244

Hawker, Peddler, Itinerant Vendor Ordinance

Enacted 2013

Amended 2018

Section I – PURPOSE & AUTHORITY

The purpose of the adoption of this Ordinance is to promote the safe flow of vehicular and pedestrian traffic on public ways; prevent the incidence of fraud and other commercial and individual or property crimes; reduce litter and pollution; and promote the health, safety, and welfare of the public and our citizenry, as authorized under New Hampshire RSA 31:102a, 47:17, 320:1, and 321:1.

This Ordinance shall control any selling or display or offering for sale of food, beverages, merchandise or services of any kind, whether by a person or from a stand or motor vehicle or otherwise within the areas affected. These activities may be known or referred to as street vending, peddling, soliciting, hawking or itinerant vending.

Section II – DEFINITIONS

Merchandise: shall mean any food, beverage, clothing, utensils, wares, toys, tools, and other articles or items offered for sale to the public, but not including newspapers, magazines, pamphlets, and handbills.

Non-Profit Organization: shall mean any association or organization, which in accordance with United States Internal Service Regulations, distributes no part of its income to its members, directors, or officers and which is established for a civic, educational, cultural, religious, social, political, scientific, philanthropic, or charitable purpose.

Person: shall mean any natural person, corporation, partnership, association, club or society or any other form of association or organization that is not otherwise defined as a non-profit organization above.

Vender/Hawker/Peddler: shall mean any person participating in a street fair owning, operating, managing, or supervising a stand to sell merchandise or promote any nonprofit organization purposes, OR any person setting up a stand or parked motor vehicle in any place within the town for the purposes of selling goods or merchandise as defined above. In this ordinance, a “vendor” shall include but not be limited to those otherwise known or defined as “hawkers and peddlers.”

Flea Market: shall mean any market, usually held outdoors, with more than one vendor offering merchandise to be sold or bartered.

Permitee: shall mean the primary person who is applying for or has been granted a permit to act as a vendor, hawker, or peddler within the Town of Deering.

Sub-Permitee: shall mean any additional employees, sub-contractors, volunteers, trainees, or any other person associated with the primary permittee and/or that permittee's business.

Section III – ORDINANCE: General Prohibition

Street vending, peddling, soliciting, hawking and itinerant vending, as defined in RSA 320:1, RSA 321:1, and RSA 31:102a, is prohibited on the public ways and all properties within in the Town of Deering except as permitted by the Town pursuant to this Ordinance and only in compliance with the terms of this Ordinance.

Section IV – ORDINANCE: Prohibited Conduct: Vendor/Hawkers/Peddlers

A vendor/hawker/peddler is any person who sells or offers to sell food, beverage or merchandise from a stand, motor vehicle or his person. A vendor shall not:

- A. Engage in vending/hawking/peddling which impedes pedestrian or vehicular traffic.
- B. Engage in vending/hawking/peddling which is not itinerant in nature and at no time park permanently or temporarily in a designated "No Parking" zone.
- C. Engage in vending/hawking/peddling which violates the standards and regulations of this Ordinance and the provisions of State statutes regulating hawkers, peddlers, and itinerant vendors.
- D. Create or cause to be created any human or mechanical noise which creates a nuisance or otherwise disturbs the peace and enjoyment in the surrounding area.
- E. Engage in vending/hawking/peddling at any time except during Daylight Saving Time between 8:00 a.m. – 8:00 p.m. and during Standard Time between 8:00 a.m. – 6:00 p.m.
- F. Engage in vending/hawking/peddling at any place within the Town of Deering, without possessing a license for such as issued by the State of New Hampshire, for each person engaged or employed for this purpose within the Town.
- G. Engage in vending/hawking/peddling at any place within the Town of Deering without possessing a permit for such activity as issued by the Town of Deering, by and through the approval of the Chief of Police, for each such person, be they permittee or sub-permittee, engaged in or employed for this purpose within the Town.
- H. No sub-permittee shall engage in any vending, hawking, or peddling without being accompanied in person or in close proximal and physical supervision by the primary permittee at all times.

Section V – EXEMPTIONS

The following exemptions shall apply in general to the requirements for vendors/hawkers/peddlers.

- A. Any public event sponsored by a non-profit organization provided that any concessions or sales must be related to the event.
- B. Any singular event which takes place in Town recreation areas and is part of a Town sponsored event or has the express written permission of the Board of Selectmen.
- C. Any singular event which takes place on land owned or controlled by the public school system and has the express written permission of the school board.
- D. Any Vendor/Hawker/Peddler Permit issued pursuant to the adoption of this ordinance;
- E. Farm Roadside stands per RSA 21:34-a III;
- F. Farmers Markets per RSA 21:34-a V.

- G. Any vending stand erected upon one's own private property within the Town, provided that the vendor has satisfied all other applicable state laws and local business ordinances and rules.

Section VI – PERMIT PROCEDURES for Vending/Hawking/Peddling

The following process shall define the manner in which a person may apply for and be granted a Permit by the Town of Deering for the purposes of Vending/Hawking/Peddling.

- A. A person either on his own behalf or on behalf of a group of persons, wishing to vend shall file with the Chief of Police, a vendor application containing:
1. The name, all aliases past and present, date of birth, social security number, permanent and mailing addresses, and phone number, both landline and cellular, of the primary applicant;
 2. The nature and type of activity proposed;
 3. The name and/or names of the business(es) covered under the permit;
 4. The name, all aliases past and present, date of birth, social security number, permanent and mailing addresses, and phone number, both landline and cellular, of any associates, trainees, assistants, or intended co-permittees related to the primary permittee and/or the business permittees;
 5. If itinerant or vehicular in nature, a copy of the valid registration of said vehicle bearing the name and information of the owner, and the names of any individual permittee that shall have authority to drive said vehicle and a copy of said driver's valid license, and a copy of said drivers NH Drivers Record AND any such record from any other state for which said driver holds a Vehicle Operators License, said copy of Driver's Record having been printed by the Associated Department of Motor Vehicles within the prior twenty days;
 6. A copy of the permittees AND sub-permittees Criminal Record History in the State of NH and any other state in which the permittee or sub-permittee has lived or has been arrested in, said copies of such criminal records having been printed by the Associated Criminal Identification Bureau within the prior twenty days;
 7. Copies of applicable NH State licenses and permissions, specifically to include as applicable, the permittees and sub-permittees NH Hawkers & Peddlers License, NH Vendors License, Agricultural and Food License(s), or other related State Issued business or sales license;
 8. Any additional information of a reasonable nature that the Chief of Police feels is necessary to ensure the public's safety. The permittee and sub-permittee SHALL sign a waiver and release of Confidential Information that shall grant permission to the Chief of Police to check any such criminal, driving, medical/psychological, and financial records as deemed appropriate, and to make copies of such records;
- B. Each permit application for any permittee or sub-permittee, will be reviewed by the Chief of Police, who may also confer with and share said applications for review by the Road Agent or his designee, the Fire Chief or his designee, the Rescue Chief or his designee, the Town Administrator or his designee, and/or any member of the Board of Selectman;
- C. The Owner of the Vending/Hawking/Peddling Permit Operation must have and be able to demonstrate appropriate liability insurance (*acceptable proof to consist of certificate of insurance listing Town of Deering as certificate holder*) when using public property, and have all applicable NH State Permits.

- D. The permit fee for a Town of Deering Vendor/Hawker/Peddler Permit, valid within the calendar year and the specified time period as issued will be \$25.00 for the first four weeks (28 days from date of issue); \$10.00 for each consecutive four week period (28 days from the end of the initial period); and/or \$100.00 for the year. If a break of more than two weeks (14 days) occurs between any permitted periods, a new permit application shall be filed and shall be subject to the appropriate new application fees. The fee schedule may be amended from time to time by resolution of the Deering Board of Selectmen.
- E. The permit fee for a Town of Deering Vendor/Hawker/Peddler Permit, for any Sub-Permitee, valid within the calendar year and the specified time period as issued, shall be \$10.00 for each consecutive four week period (28 days from date of issue), but only after the primary permittee has been issued a valid permit under this ordinance.
- F. All fees for initial applications shall be received by the Town of Deering in the form of a certified or bank check at the time the application is submitted. If such fees are not received at this time, the application shall not be acted upon in any manner and shall not be issued. All fees for additional consecutive permit periods shall be received at by the end of the business day at least four days prior to end of the current permit period.

Section VII – PERMIT APPROVAL or DENIAL

- A. The Chief of Police or his/her designee shall determine whether the applicant has:
 - 1. Submitted a complete and accurate application;
 - 2. Met the provisions and purposes of the Ordinance; and
 - 3. Provided adequate arrangements to ensure the safety of the public persons covered under the permit, and the prevention from damage of public and private property has been provided.
- B. Upon consideration of all items in Section V, the Chief of Police has the authority to approve or disapprove the application for the permittee and/or sub-permittee(s), or any combination thereof. This decision shall be based on the finding by the Chief of Police as described above, or in the case of his absence, by his designee or by the Board of Selectman. A decision any permit application should be made no later than fifteen (15) working days (excepting weekends) after receipt of the application.
- C. If the application is disapproved and the permit is denied, the Chief of Police or the entity denying such permit shall provide written reasons to the applicant at the time of notification of disapproval of application and denial of permit. Permit applications may be obtained during normal Town Hall business hours from the Selectmen's Office or Police Department.
- D. The Chief of Police, the Town Administrator, and/or Board of Selectmen may amend or revoke a permit if it appears that the arrangements contained in the permit will no longer prevent injury to person or property due to a change in circumstances under which the permit for possession was granted.

Section VIII – APPEAL of PERMIT DENIAL or REVOCATION

A person may appeal to the Board of Selectmen the denial of a permit by filing a written notice within fifteen (15) business days of denial of the permit. The Board of Selectmen shall forthwith consider the appeal at a hearing at which the applicant presence has been requested. The Board of Selectmen may affirm or reverse the decision, or attach such additional conditions to the permit as will, in their best judgment, protect the public safety and persons covered under the permit, and the prevention from damage of public and private property. If the applicant is not present at this hearing for any reason, the denial or revocation of such permit shall be held as proper. If a permit has been denied or revoked, there shall be no refund of any application or permit fees.

Section IX – ENFORCEMENT

Violations of this ordinance shall be enforced by any Police Officer of the Deering Police Department, or by any other Police Officer with jurisdiction, either actual jurisdiction or constructive jurisdiction via any authorized Mutual Aid Agreement. Nothing in this section shall remove an individual officer's discretion in regards to the actual enforcement or issuance of fines and penalties relating to this section.

Section X – PENALTIES

- A. A person who violates any provision of this Ordinance shall be charged with a Violation and assessed a civil fine not less than \$100.00 nor more than \$500.00. The fine must be paid to the Town of Deering, via a certified or bank check, within 72 hours from date of issue or all primary and related permits will be revoked.
- B. A second or subsequent violation will result in an immediate revocation of all associated permits, and no further permits shall be issued to any person(s) related to such permit violations for a period of five years.
- C. Upon the neglect or failure of a person responsible for a sidewalk display or vending cart to promptly comply with an order to remove the same, a police officer may remove it or cause it to be removed and the Town may recover the expense of such removal from the person responsible.
- D. A Police Officer may elect, in lieu of assessing a Civil Forfeiture Fine, to summons a violator directly to any applicable court of Jurisdiction for arraignment on a complaint alleging such a violation.

Section XI – APPEAL of CIVIL FORFEITURE

If any person fails to pay any Civil Penalty Fine within the required time period for response, OR otherwise requests an appeal or court hearing of such Civil Penalty Fine under this section, the Police Department shall issue a summons to said person to appear in the District Court of Jurisdiction for arraignment and such applicable hearings, that being the 6th Circuit Court- Henniker and/or the 6th Circuit Court- Hillsborough.

Section XII - SEVERABILITY

If any provisions of this Section or the application of such provisions to any person or circumstances shall be held invalid, the validity of the remainder of this Section and applicability of such provisions to other persons or circumstances shall not be affected thereby.

CERTIFICATION:

The above Ordinance for the Town of Deering was approved, with said amendments and updates on:

_____, of the year _____ by a vote of the Board of Selectman.

For the Board of Selectman

MEMORANDUM

May 9, 2012

TOWN OF DEERING, NEW HAMPSHIRE NOISE DISTURBANCE ORDINANCE

PROPOSED ORDINANCE – Nov 2018

Enacted 2018

Section I - PURPOSE STATEMENT & AUTHORITY

It is declared to be the intent of the Town of Deering to promote an environment free from excessive noise which unnecessarily jeopardizes the health and welfare of the citizens of the Deering and/or degrades the quality of life within the community, without unduly prohibiting, limiting or otherwise regulating the function to certain noise-producing equipment which is not amenable to such controls yet is essential to the economy and quality of life of the community.

The purpose of this Section is to establish standards for the control of noise and noise disturbances in the Town by prohibiting specific activities during designated times and by setting maximum permissible sound levels within the Town, as authorized under New Hampshire Statute 31:39(n).

Section II - DEFINITIONS

For the purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

- A. Intra-Property Real Property Division:** shall mean the ceilings, walls, floors, doors and windows of any duplex, multi-family, or condominium dwelling or structure which separate the real property leased or owned by one person from that owned or leased by another person.
- B. Person:** any individual, association, partnership, or corporation, and including any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.
- C. Public Right-of-Way:** any street, avenue, boulevard, highway, sidewalk, or alley, or similar place, which is owned, maintained, or controlled by a governmental entity.
- D. Public Space:** any real property or structure thereon which is owned, maintained, or controlled by a governmental entity.
- E. Real Property Boundary:** any imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person.

- F. Noise Disturbance:** any sound created or allowed to continue within a real property boundary or intra-building real property division or public right-of-way or public space, which can be heard across said boundary or intra-building real property division in the confines of another or adjacent real property boundary or intra-building real property division or a public right-of-way or public space which would, or in actuality does, annoy or disturb a reasonable person of normal sensitivities, OR as otherwise defined in New Hampshire RSA 644:2.

Section III – ORDINANCE: NOISE DISTURBANCES PROHIBITED

It shall be unlawful for any person to make, continue, or cause to be made or continued, any excessive noise(s), unnecessarily loud noise(s), or any noise(s) which annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of any others within the Town as defined and described herein, or as otherwise defined and controlled under New Hampshire RSA 644:2:

- A. Between 10:00 P.M. and 6:00 A.M. –** such noise or noises as created by:
1. The loading, unloading, opening, closing, or otherwise handling boxes, crates, containers, building material, trash -cans, dumpsters or similar objects.
 2. The operation or use of agricultural equipment to include, but not limited to tedders, bailers, and tractors.
 3. The operation or use of construction vehicles to include, but not limited to bulldozers, graders, dump trucks, backhoes, earth moving equipment, front end loaders and log skidders on the job site.
 4. The operation or use of tools, or construction equipment to include but not limited to, cement mixers, hammers, staple or nail guns, power tools (i.e. saws, drills, grinders, sanders), chain saws, lawnmowers, electric hedger trimmers, lawn-edgers, and jack hammers, and
- B. Between 10:00 P.M. and 7:00 A.M. –** such noise or noises as created by:
1. Operating, playing or using of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which amplifies sound or
 2. By the display of permissible fireworks.
- C. Unnecessary Noise from Motor Vehicles:** It shall be a violation to cause a noise disturbance, at any time of the day or night, through the use of a motor vehicle as described herein:
1. A person operating in or in control of a parked or moving motor vehicle shall not operate or permit the operation of an electronically amplified sound system in or on the motor vehicle so as to produce sound that is clearly audible in a public right-of way of way or any public space or any adjacent private space, more than 50 feet from the motor vehicle except as otherwise authorized.
 2. A person shall not operate a motor vehicle so as to make any loud, unusual, or unnecessary noise occasioned by any one or more of the following actions by the operator:
 - (a) Misuse of power - exceeding tire traction limits in acceleration, sometimes known as “laying down rubber” or “peeling rubber”, or excessive acceleration where there is no emergency.
 - (b) Misuse of braking power exceeding tire traction limits in deceleration where there is no emergency.
 - (c) Rapid acceleration by means of quick up-shifting of transmission gears with either a clutch of manual transmission or automatic transmission.
 - (d) Rapid deceleration by means of quick downshifting of transmission gears with either a clutch or manual transmission or an automatic transmission.

- (e) Racing of engines by manipulation of the accelerator, gas pedal, carburetor, or gear selection whether the vehicle is either in motion or standing still.
- (f) Misuse of air brakes or “jake-brakes” by using them when there is nothing in tow behind the vehicle equipped with said air brakes or “jake-brakes”.
- (g) OR any other such action as defined and restricted or prohibited under New Hampshire RSA 265:75.

Section IV - EXEMPTIONS

The following uses and activities shall be exempt from noise level regulations:

- A. Noise of safety signals, warning devices and emergency pressure relief valves.
- B. Noises resulting from any authorized vehicle, when responding to an emergency call or acting in time of emergency, training exercises, and maintenance.
- C. Noises resulting from emergency maintenance work as performed by the Town, State or public utility companies, to include snow removal operations.
- D. Municipal maintenance work where the abutters to the work site have been given prior notice of the project.
- E. Any other noise resulting from activities of a temporary duration permitted by law or for which a license or permit therefore has been granted by the Town.
- F. Snow blowers and other types of private or commercial snow removal operations.
- G. Parades and public gatherings for which the Town has issued a permit.
- H. Bells, chimes or carillons, while being used for religious purposes, or in conjunction with religious services, and those bells, chimes or carillons that are presently installed and in use for any other purpose.
- I. The un-amplified human voice, except where otherwise prohibited by the provisions of this Section or by any other Town Ordinance or state law.

Section V – TEMPORARY SPECIAL PERMITS

The Police Chief or his/her designee is hereby authorized to issue special permits for periods not exceeding thirty (30) days to persons wishing to exceed those limits provided for herein, based upon a demonstration as follows:

- A. Activity sought to be engaged in is in furtherance of a substantial public interest or benefit and will not be inconsistent with the statement of purpose.
- B. Activity sought to be engaged in is necessary in order to avoid undue hardship and will not be inconsistent with the statement of purpose.

Section VI – ENFORCEMENT

This ordinance shall be enforced by any Police Officer of the Deering Police Department, or by any other Police Officer with jurisdiction, either actual jurisdiction or constructive jurisdiction via any authorized Mutual Aid Agreement. Nothing in this section shall remove an individual officer’s discretion in regards to the actual enforcement or issuance of fines and penalties relating to this section.

Section VII - PENALTY

- A. Any person, firm, or corporation who violates the provisions of this Chapter shall be guilty of a violation for each offense and shall be subject to a fine of \$100.00 dollars for each first known offense, nor more than \$500.00 for each subsequent offense. Such fines as assessed shall be paid to the Town of Deering via the Police Department within five (5) days (72 Hours).
- B. Any person, firm, or corporation who violates the provisions of this Section three (3) or more times in a calendar year shall be subjected to the provision of an enhanced penalty and shall be subject to a fine of no less than \$300.00 dollars for each subsequent offense. Such fines as assessed shall be paid to the Town of Deering via the Police Department within five (5) days (72 Hours).
- C. The penalties as laid out above shall not remove a police officer's discretion to summons a violator into court to answer to said charges, in lieu of issuing an ordinance violation on scene.

Section VIII – APPEAL

If any person fails to pay any Civil Penalty Fine within the required time period for response, OR otherwise requests an appeal or court hearing of such Civil Penalty Fine under this section, the Police Department shall issue a summons to said person to appear in the District Court of Jurisdiction for arraignment and such applicable hearings, that being the 6th Circuit Court- Hillsborough.

Section IX - SEVERABILITY

If any provisions of this Section or the application of such provisions to any person or circumstances shall be held invalid, the validity of the remainder of this Section and applicability of such provisions to other persons or circumstances shall not be affected thereby.

CERTIFICATION:

The above Ordinance for the Town of Deering was approved, with said amendments and updates on:

_____, of the year _____ by a vote of the Board of Selectman.

For the Board of Selectman

MEMORANDUM**October 15, 2018****Town of Deering, NH 03244
PUBLIC AREA SAFETY AND SERENITY ORDINANCE****PROPOSED ORDINANCE – 15October2018**

Enacted: 2018

Section I – PURPOSE & AUTHORITY

In accordance with an under the authority of the New Hampshire Revised Statutes Annotated, Chapter 41, Section 11 and Chapter 47, Section 17, VII and VIII, authorizing the Board of Selectmen to enact ordinances governing the use of public lands and properties, the following Ordinance is adopted by the Board of Selectmen of the Town of Deering. This ordinance shall provide the rules and regulations of the use of the Deering Reservoir Public Areas by members of the public in order to ensure the safety and serenity of the Deering Beach and other adjacent Public Lands owned or governed by the Town of Deering. Such rules shall be inclusive of the Deering Town Beach, the Deering Reservoir Boat Launch, the Deering Reservoir Dam and Levee, and any public parking and roadways adjacent to said Deering Reservoir areas.

Section II – WORDS and PHRASES DEFINED

The following words and phrases when used in this Ordinance have the following meaning:

Adjacent Public Ways: In this policy and ordinance shall mean any public roadway, or any private roadway that is open to the public, located along Reservoir Road between Farrell Hill Road and Locke Farm Road, including but not limited to Cellar Hole Road and White Gate Road.

Deering Public Beach Area: Shall mean the area including the public swimming area and the adjacent picnic knob, as well as all areas between the primary Deering Reservoir Beach Parking Lot and said designated swimming area.

Deering- Other Public Areas: Shall mean any public gathering or recreational area owned, leased, or otherwise controlled and governed by the Town of Deering or its administrative leadership. Examples would include but not be restricted to hiking areas on public or conservation lands, public parking areas, the Deering Town Pavilion, the Deering Town Hall and surrounding commons,

Deering Reservoir Public Boat Launch: Shall mean the public boat launching area located on Reservoir Road in said Deering, between the Deering Public Beach Area and the Deering Reservoir Dam, to include the vehicular access way, waiting lanes, and turnaround lanes adjacent to the designated boat launching ramp.

Deering Reservoir Dam: Shall mean the water dam the projects from the Deering Reservoir Boat Launch Access Lane to the Deering Reservoir Levee, including the cement and wood dam and any adjustable spillways, including all control modules, ladders, boards, and such. The Deering Reservoir Dam shall include the area within 15 Feet of any dam structure, and also shall include the spillway below the dam, extending from the dam proper underneath the bridge tunnel, to the far end of the bridge abutments.

Deering Reservoir Levee: Shall mean the manmade stone and gravel embankment that travels encases the southern end of the Deering Reservoir from the Deering Reservoir Dam to the western embankment by White Gate Road.

Deering Reservoir Public Parking Areas: Shall mean the authorized and recognized Public Parkings Areas utilized by citizens visiting the Deering Reservoir Public Beach, Boat Launch, and Levee areas. This shall include the Public Parking Lot extending from Cellar Hole Road to the Parking Permit Kiosk at the entrance to the Public Beach, as well as the Public Parking Lot extending from the Deering Reservoir Dam approximately half the length of the Deering Reservoir Levee, and including the Deering Boat Trailer Lot, which is located across Reservoir Road from the Deering Reservoir Levee.

Heat Source: for the purposes of this policy, a heat source shall mean any manner of relaying or transferring natural or artificially produced heat, to include combustibles, lighters, vapor chambers, matches, stoves of gas, wood, coal, or other,

Lit or Burning Embers: Shall mean any combustible matter that produces heat in a quantity that would make it possible to ignite such matter or other nearby natural or man-made matter.

Section III – ORDINANCE: FIRE SAFETY

Any act that is known to present a risk of public safety shall be prohibited or governed by the Town of Deering and its Governing Body for the purpose of protecting citizens and their properties from harm and to protect the natural resources of the Town of Deering and specifically the Deering Reservoir Public Recreation Areas.

1. Open Flames – It shall be unlawful to kindle an open flame of any type, to include but not be inclusive of an open fire, whether in a pit or not, any type of gas, wood, electric, or fuel oven or grill. Lighters and cigarettes/tobacco or other smokeable material(s) shall also be prohibited.
2. Heating Elements – It shall be unlawful to utilize any gas, wood, electric, or battery operated heating unit, to include but not be exclusive of space heaters, warmers, ovens, grills, “vape” pens, melting pots, pipes, hookahs, or similar smoking or vaping systems shall be prohibited.
3. Cooking or Steaming – it shall be unlawful to cook or steam any food or consumable preparation while utilizing any open flames or any other heating source or element while upon public areas, unless one member of the attending shall hold written permission from the Emergency Services directors for the Town of Deering.
4. Combustible Materials – it shall be unlawful to hold or store any combustible material upon any public area within the Town of Deering, except that boaters may temporarily place boat fuel in a safe location during the launching or recovery of any gasoline powered motor vessel.

Section IV – ORDINANCE: BIOHAZARDS and WASTE

Any act that is known to present a risk of public safety shall be prohibited or governed by the Town of Deering and its Governing Body for the purpose of protecting citizens and their properties from harm and to protect the natural resources of the Town of Deering and specifically the Deering Reservoir Public Recreation Areas, the Town Pavilion, and the Town Hall and Commons.

1. It shall be unlawful for any person to deposit or dispose of, whether purposefully or neglectfully, any biohazardous waste upon at public property, to include but not be exclusive of human or animal waste or excrement, food waste, containers including bags or boxes, or any other matter.
2. Any person in charge of any animal or fowl that is upon any public area within the Town of Deering shall be responsible to immediately clean up any such biohazardous matter that shall be emitted, including but not limited to the immediate cleaning of any animal excrement that shall be deposited.
3. It shall be unlawful to any person to deposit or dispose of, whether purposefully or neglectfully, any medical waste or any paraphernalia of legal or illegal substances or tools of use, to included but not be exclusive of pipes, glass or metallic implements, syringes, bottles, canisters, hoses, filters, upon any public property or public areas within the Town of Deering.
4. It shall be unlawful for any person to deposit or dispose of any waste matter, natural or manmade, upon any area of Public Property or Public Area within the Town of Deering.
5. With the exception of garbage cans found within the Town Hall, the Town of Deering shall consider all public areas within the Town as being “carry-in/carry-out” areas, and shall not provide refuse containers, with the exception that during certain public events the Town of Deering may elect to provide such refuse containers on a case by case basis.

Section V – ORDINANCE: Freedom to Enjoy Peace and Serenity

Any act or activity that is known to present a risk of public annoyance or alarm shall be prohibited or governed by the Town of Deering and its Governing Body for the purpose of protecting citizens and their properties from harm and to protect the natural resources of the Town of Deering and specifically the Deering Reservoir Public Recreation Areas, the Town Pavilion, and the Town Hall and Commons.

1. It shall be unlawful for any person to create any unreasonably loud noise, whether vehicular, human, or amplified noises, at a time or place that would offend a normal person upon or adjacent to any Public Recreation Area within the Town of Deering.
2. It shall be unlawful for any person to utilize amplified music or sound sources while upon any public property or public recreation area within the Town of Deering, with certain exception as presented below:
 - a. Any emergency or maintenance vehicle or related emergency or maintenance crew personnel may utilize amplified noise makers in the course of their official duties.
 - b. Any person or group that has made and a received application for a special event that would required sound amplification made do so under the restrictions and constraints of such an application.
3. It shall be unlawful for an person or group of persons to engage in wild or tumultuous activities that would offend a normal person upon or adjacent to any Public Recreation Area within the Town of Deering.

Section VI – EXEMPTIONS

Any Police Officer, Public Safety Officer, Fire Official, Rescue Squad Member, or Public Works Employee who is either employed by the Town of Deering or has been requested under mutual aid assistance, is exempt from the restrictions of Section IV of this Ordinance while in actual performances of their official duties.

Section VII – ENFORCEMENT

This ordinance shall be enforced by any Police Officer of the Deering Police Department, or by any other Police Officer with jurisdiction, either actual jurisdiction or constructive jurisdiction via any authorized Mutual Aid Agreement. Nothing in this section shall remove an individual officer’s discretion in regards to the actual enforcement or issuance of fines and penalties relating to this section.

Section VIII - PENALTIES

- A. A (known) first offense for such violation may be issued a Civil Penalty fine of \$100.00, except that any person violated Section IV – Biohazards and Waste, shall be fined not less than \$250 in the first offense, payable to the Town of Deering and answered via the Police Department within 72 hours (5 business days) of issuance.

- B. A (known) second or subsequent violation may be issued a Civil Penalty fine of at least \$250.00 but no more than \$500.00, payable to the Town of Deering and answered via the Police Department within 72 hours (5 business days) of issuance, except that any person known to have previously violated Section IV – Biohazards and Waste and is found in violation of this Section and second or subsequent time, shall be immediately summons to appear in court and/or arrested in custody and offered bail, at the discretion of the citing law enforcement officer.

- C. Any such violations, in lieu of a Civil Penalty Fine, may be issued a Town Ordinance Violation Summons requiring the named defendant to report to the District Court of Jurisdiction for arraignment, that being the 6th Circuit – Hillsboro District Court.

Section IX – Default or Appeal

If any person who has been issued such and fails to pay any Civil Penalty Fine within the required time period for response, OR otherwise requests an appeal or court hearing of such Civil Penalty Fine under this section, the Police Department shall issue to any such person a summons to appear in the District Court of Jurisdiction for arraignment and such applicable hearings, that being the 6th Circuit Court- Hillsborough.

Section X - Severability

In the event any section, subsection, sentence, clause or phrase of this Ordinance shall be adjudicated to be invalid or unconstitutional, such part or phrase is declared to be severable, and all remaining portions of this Ordinance shall remain in full force and effect.

CERTIFICATION:

The above Ordinance for the Town of Deering was approved, with said amendments and updates on:

_____, of the year _____ by a vote of the Board of Selectman.

For the Board of Selectman

2019 Warrant Articles

Paving Town Hall Parking Lot

To see if the Town will vote to raise and appropriate THIRTY THOUSAND DOLLARS (\$30,000) to pave the Town Hall parking lot and to be funded from the unassigned fund balance as of December 31, 2018. This appropriation shall not raise any taxes and have no effect on the tax rate.

Purchase of a Fire Engine

To see if the Town will vote to raise and appropriate FIVE HNDRED FIFTY THOUSAND DOLLARS (\$550,000 – gross budget) to purchase and equip a new fire engine and to be funded from the Fire Department Equipment Replacement fund in the amount of THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000) and to authorize the issuance of not more than TWO HUNDRED THOUSAND DOLLARS (\$200,000) of bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA 33) and to authorize the Board of Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereon and further to raise and appropriate an additional sum of EIGHT THOUSAND SEVEN HUNDRED TWENTY DOLLARS (\$8,720) for the first year's interest payment on the bond. Approval requires 2/3 ballot vote.

10 Years

date	funding	Amortization payment	interest	Rate 4.36% principal	balance
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Dec-15-18	\$ 200,000.00				\$ 200,000.00
Dec-15-19		\$ 25,102.08	\$ 8,720.00	\$ 16,382.08	\$ 183,617.92
Dec-15-20		\$ 25,102.08	\$ 8,005.74	\$ 17,096.33	\$ 166,521.59
Dec-15-21		\$ 25,102.08	\$ 7,260.34	\$ 17,841.73	\$ 148,679.85
Dec-15-22		\$ 25,102.08	\$ 6,482.44	\$ 18,619.63	\$ 130,060.22
Dec-15-23		\$ 25,102.08	\$ 5,670.63	\$ 19,431.45	\$ 110,628.77
Dec-15-24		\$ 25,102.08	\$ 4,823.41	\$ 20,278.66	\$ 90,350.11
Dec-15-25		\$ 25,102.08	\$ 3,939.26	\$ 21,162.81	\$ 69,187.30
Dec-15-26		\$ 25,102.08	\$ 3,016.57	\$ 22,085.51	\$ 47,101.79
Dec-15-27		\$ 25,102.08	\$ 2,053.64	\$ 23,048.44	\$ 24,053.35
Dec-15-28		\$ 25,102.08	\$ 1,048.73	\$ 24,053.35	\$ -
		-----	-----	-----	
		\$ 251,020.76	\$ 51,020.76	\$ 200,000.00	

Power Purchase Agreement

To see if the town will vote to raise and appropriate

Conversion of Town Clerk / Tax Collector Position to Full-Time

To see if the Town will vote to raise and appropriate TEN THOUSAND SEVEN HUNDRED TWENTY-NINE DOLLARS (\$10,729) to convert the part-time Town Clerk / Tax Collector position to a 35-hour full-time position. The cost items associated with the full-time position are as follows:

- Wages \$3,250.00
- FICA/MEDI \$ 249.00
- Life / Disability \$ 314.00
- Retirement \$ 156.00
- Health Insurance \$6,760.00

If approved these costs will be included in next year's operating budget.

Solar Energy Expendable Trust Fund

To see if the town will vote to establish an expendable trust fund under the provisions of RSA 31:19-a, to be known as the Town Solar Energy Expendable Trust Fund for the purpose of providing funds for the purchase, maintenance, repair, and replacement of solar arrays (panels) on Town owned buildings and Town owned property and to raise and appropriate the sum of EIGHTEEN THOUSAND DOLLARS (\$18,000) to be placed into this fund and to be funded from the undesignated fund balance as of December 31, 2018, and to name the Board of Selectmen as agents to expend. This appropriation shall not raise any taxes and have no effect on the tax rate.

Below is an email I received from the DRA relative to a current practice of depositing money for perpetual care into the cemetery ETF.

Relative to the Cemetery lots, it does not appear that the Town has adopted the statute that allows funds to go directly into a capital reserve or trust fund.

***RSA 289:2-a Funds Received From Sale of Cemetery Lots.** – Upon the sale of cemetery lots, the legislative body may, at any annual or special meeting, vote to determine whether funds received from such sale shall be deposited in the general fund of the town as a sale of town property or deposited with the trustees of trust fund for the maintenance of cemeteries under RSA 31:19-a.*

For all Capital Reserve and "Expendable" Trust funds (RSA 31:19-a), all money must be voted into a fund.

***RSA 35:5 Payments Into Fund.** – There may be paid into any such capital reserve fund, except as provided in RSA 35:7, such amounts as may from time to time be raised and appropriated therefor under a special warrant article, from any source other than money given to the town, district, or county for charitable purposes. Such amounts shall be within the limits as provided in RSA 35:8, and any such town, district, or county may also vote to transfer to said fund, under a special warrant article in the case of a town or district, any of its unencumbered surplus funds remaining on hand at the end of any fiscal year.*

I would suggest adding an article on next year's warrant to adopt RSA 289:2-a.

Sale of Cemetery Lots

To see if the Town will vote to adopt the provisions of RSA 289:2-a, whereupon the proceeds from the sale of cemetery lots, including the perpetual care fee, shall be deposited into the Cemetery Maintenance Expendable Trust Fund.

Please sign &)

Carol Baker

James Parker