

# Town of Henniker



## *Selectmen's Policies*

# Town of Henniker

## Selectmen's Policies

# *Table of Contents*

	Section	Page
<b><i>Section I – General Policies</i></b>		
I.1 Policy Adoption.....	I	1
I.2 Zoning Permit Policy.....	I	2
I.3 Hawkers, Peddlers & Itinerant Vendors Ordinance .....	I	7
I.4 Assessing Policy.....	I	11
I.5 Right to Know Policy .....	I	12
<b><i>Section II – Meeting, Board &amp; Committee Policies</i></b>		
II.1 Board of Selectmen Meeting Procedures .....	II	15
II.2 Public Hearings .....	II	18
II.3 Citizen Participation at Meetings .....	II	19
II.4 Town Committees and Boards .....	II	21
II.5 Litigation Involving Town Boards and Committees .....	II	24
II.6 Request of Legal Inquires or Opinions from Town Counsel.....	II	25
II.7 Budget Advisory Committee Operational Policy.....	II	26
II.8 Athletics – Code of Conduct .....	II	27
II.9 Athletics – Accepting Non-Resident Children and Out-of-Town Programs for Resident Children .....	II	29
II.10 Selectboard Appointment Policy .....	II	30
II.11 Temporary Policy on Public Meeting Attendance .....	II	31
II.12 Policy on Communications Between Selectmen & Town Employees..	II	33
<b><i>Section III – Financial &amp; Town Property Policies</i></b>		
III.1 Procurement Policy .....	III	34
III.2 Disposal of Surplus Material.....	III	38
III.3 Cash Receipts Policy .....	III	39
III.4 Acceptance of Donations and Gifts.....	III	41
III.5 Investment Policy .....	III	42
III.6 Grant Request and Submission Policy .....	III	45
III.7 Rental of Community Ctr., Grange Hall & Bandstand/Comm. Park ...	III	46
III.8 Rental of Town Athletic Fields .....	III	48
III.9 Field Use Application.....	III	50
III.10 Liability Waiver (use of Town Field or Snack Shack) .....	III	51
III.11 Selling Goods at a Sporting Event.....	III	52
III.12 Mailbox Ordinance (Rev. Chapter 97) .....	III	53
<b><i>Section IV – Personnel Policies</i></b>		
IV.1 Hiring Policy for PT Employees by Town Administrator.....	IV	54
IV.2 Job Openings Posting Policy .....	IV	54
IV.3 Drug and Alcohol Policies & Procedures.....	IV	54
IV.4 Addendum to Drug and Alcohol Policies.....	IV	59
IV.5 EMT / Ambulance Standbys Policy .....	IV	60
IV.6 Towing Policy .....	IV	62
IV.7 Temporary Teleworking Policy.....	IV	69

# *Section I*

## *General Policies*

### **I.1 Policy Adoption**

*Document dated 5/9/2007*

Except for policy actions to be taken on emergency measures, the Henniker Board of Selectmen shall adhere to the following procedure in considering and adopting policy proposals to ensure that they are well examined before final action:

**First reading:** The proposed policy shall be presented as a discussion item at the first meeting with an opportunity for questions of clarification and directions regarding changes to the policy. The first reading will be followed by the public announcement, publication and distribution of the proposal to interested parties.

**Second reading:** The proposed policy shall be presented as a discussion item at the second meeting. There will be an opportunity offered to concerned groups or individuals to react to the policy proposal. Amendments may be proposed and acted upon at this time.

**Third reading:** The proposed policy shall be presented for formal consideration at the third meeting and for action at the pleasure of the Board of Selectmen.

**Extended reading(s):** The Board of Selectmen may direct that policies be discussed at more than three meetings, or tabled until a future time (definite or indefinite).

**Emergencies:** Under unusual circumstances, the Board may temporarily approve a policy to meet emergency conditions; however, the above procedure is required before the policy shall be considered permanent.

**Publication:** Policies and amendments adopted by the Board shall be attached to and made a part of the minutes of the meeting at which they are adopted and shall also be included in the policy manual of the Board of Selectmen marked with the date of adoption and/or amendment.

**Effective Date:** Policies and amendments to policies shall be effective immediately upon adoption unless a specific effective date is provided in the adopted resolution.

## **I.2 CERTIFICATE OF ZONING COMPLIANCE – PERMITS**

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*Adopted May 5, 2020*

### **1. STATE BUILDING CODES AND FIRE CODES**

- a. The State Building Code and Fire Codes have been adopted and ALL construction on NH is required to conform to these codes.
- b. 155-A:2 State Building Code. –  
All buildings, building components, and structures constructed in New Hampshire shall comply with the state building code and state fire code. The construction, design, structure, maintenance, and use of all buildings or structures to be erected and the alteration, renovation, rehabilitation, repair, removal, or demolition of all buildings and structures previously erected shall be governed by the provisions of the state building code.
  - i. The updated codes for the State of New Hampshire as of September 15, 2019 will be:
    1. 2015 International Building Code 2015
    2. International Residential Code 2015
    3. International Plumbing Code 2015
    4. International Mechanical Code 2015
    5. International Existing Building Code 2015
    6. International Energy Conservation Code 2015
    7. International Swimming Pool and Spa Code (this is a new code; requirements removed from the IBC and IRC)
    8. 2017 National Electrical Code
- c. RSA 153:1 VI-a. "New Hampshire fire code"  
VI-a. "New Hampshire fire code" or "state fire code" means the adoption by reference of the Life Safety Code 2015 edition and the Uniform Fire Code NFPA 1, 2015 edition, as published by the National Fire Protection Association and as amended by the state board of fire control and ratified by the general court pursuant to RSA 153:5. The provisions of any other national code, model code, or standard referred to within a code listed in this definition shall be included in the state fire code unless amended in accordance with RSA 153:5.
  1. NFPA 70 (already adopted) 2015
  2. Fire Code, NFPA 1 2015 Life Safety Code,
  3. NFPA 101 (already adopted)

### **2. PER HENNIKER ZONING ORDINANCE ARTICLE XIII (ADMINISTRATION)**

Section 133-52 Permit required:

Regulations implementing permit system after passage of this chapter, it shall be unlawful to erect or expand any structure or building, to change any use of a structure or building or to relocate any structure or building in any zoned district without first obtaining an appropriate permit from the Board of Selectmen. This permit is to ensure that the proposed construction conforms to the permitted uses in the zone that it will occupy and also that it is located a proper distance from the boundaries of the lot on which it is to be built, and in all other respects conforms to this chapter. The Selectmen shall adopt regulations implementing the permit system.

- a. When is a Zoning Permit required?
  - i. a new structure is to be constructed or installed;
  - ii. an existing structure is to undergo expansion;
  - iii. additional dwelling units are to be added to the existing structure;
  - iv. a bedroom or kitchen is to be added to an existing structure;
  - v. a structure is to be demolished;

- vi. a Site Plan Review Approval has been granted by the Planning Board;
  - vii. interior renovations in excess of \$25,000 not included in (i)-(vi) above (no fee will be required for a permit under this subsection)
- b. Application Form – Zoning Permit
- Application shall be filed with the Town Administrator (Agent) on behalf of the Board of Selectmen. The application shall contain the full name of the owner and/or his agent. It shall contain a certification that the property does not lie in an unapproved subdivision. The application shall describe briefly the proposed work and give such other information as may be required to determine whether the proposed work complies with the provisions of the ordinance. The application must be signed by the landowner(s) or designated representative and submitted complete with proper fees in order to be considered. For a person to be considered a designated representative, a letter of acknowledgment from the landowner must be filed with the Town of Henniker.
- c. Issuance of Certificate of Compliance (Zoning Permit)
- i. No work shall be started on the proposed site until the owner or his agent has first secured a certificate of compliance from the Selectmen or Agent.
  - ii. Upon approval of the application, the Selectmen or agent shall issue a certificate authorizing such construction or alteration.
  - iii. No certificate shall be issued or become effective for nonresidential or multifamily land use without Site Plan Review by the Planning Board.
  - iv. A copy of the certificate shall be posted by the applicant on-site within public view and maintained in good condition until the project is completed.
  - v. Certificates of compliance are transferrable to new property owners.
- d. Certificate Fees
- i. The Board of Selectmen shall set all Certificates of Zoning Compliance Fees.
  - ii. An After-the-Fact application shall be filed for all projects where work has commenced prior to the issuance of a Certificate of Compliance. This application must be filed prior to the consideration of the project by the ZBA, Planning Board and/or the Board of Selectmen. The After-the-Fact application will be acted upon by the Selectmen or Agent at the same time the Certificate of Compliance is considered. A fee as set by the Board of Selectmen shall be paid at the time of application for the After-the-Fact permit. This fee shall be paid in addition to any fees charged for the Certificate of Compliance and/or any other applications.
- e. Revocation or Lapse of Building Certificate
- i. A violation of or variation from the terms, conditions or authorization of a certificate of compliance by the holder thereof or his agent, architect or contractor shall be cause for the revocation of said certificate. Such revocation shall be made at the discretion of the Selectmen or agent and when such revocation is made, the Selectmen or agent shall issue a cease and desist order, a copy of which is to be posted onsite by the Selectmen or agent within public view and maintained in good condition. An appeal from such action may be made as provided in Article XIV section 133-58 of the Henniker Town Zoning Ordinance.
  - ii. The Selectmen or Agent shall, at the expiration of 12 months during which no earnest or substantial effort has been made to carry out the construction or alterations authorized in a certificate of compliance, declare, and send notice to the holder

thereof, that said certificate has lapsed. Said certificate may be reinstated on application of the proposed user to the Selectmen or Agent.

- iii. Any person who is aggrieved by the issuance of a Certificate of Compliance or who feels such a Certificate was issued in error, may file an Appeal to the Zoning Board of Adjustment as described in Article XIV section 133-58 of the Henniker Town Zoning Ordinance. Such an appeal must be filed within 30 days of the date the Certificate of Compliance is issued.

3. **SETBACK REQUIREMENTS:** The following are the Town's zoning setback requirements for all districts (Ref. Henniker Zoning Regulations Chapters 133-22, -24, -26, 28):

- a. No building shall be constructed within thirty (30') feet of a public right of way.
- b. No building shall be constructed within fifteen (15') feet of side and back lot boundaries.
- c. No building shall be constructed more than three (3) stories above grade level.
- d. Driveways must be 10' from side boundaries. or back lot boundaries
- e. Parking spaces must be 10' from side and back boundaries and 10' from any public right of way.
- f. Septic must be 75' from wetlands.
- g. Pools must be 35' from septic and 10' from boundaries.

4. **BUILDING PLANS:** Plans typically are to the scale of 1/4"=1'0". Plans show important information such as dimensions and locations, type of materials used, framing style, insulation, windows, exits and egresses, stairwell elevations, location of electrical service components, and the location of life safety, heating and plumbing systems. A complete set of building plans should include the following FOUR components:

- a. Site Sketch (this is required for all new buildings OR if there is any change to the exterior footprint of an existing building):
  - i. Location of all buildings on lot
  - ii. Dimensions/measurements of proposed structures
  - iii. Measured distance between property lines and structures (both existing and proposed)
  - iv. Name of streets/roads abutting property
  - v. Location of wetlands
  - vi. If septic is to be used, show layout and location
  - vii. Well or water supply location
- b. Floor Plan
- c. Elevation Plan - A two-dimensional view of the building as seen from the exterior
- d. Sectional View - A sectional view is a vertical view of a building as if it were cut into two parts.
- e. The purpose of a Sectional View is to show the internal construction of each assembly.

5. **DRIVEWAYS & CLASS VI ROADS:** If you are constructing or altering a driveway or access road, a Henniker Driveway Permit application may be required. Please note, if you are constructing or altering a driveway that connects to a STATE road, a permit from the State of NH Department of Transportation may be required.

Because Class VI roads are not maintained by the Town, any new construction on a Class VI road requires that an agreement and release be signed by the property owner. This agreement will then be recorded at the Merrimack County Registry of Deeds at the expense of the property owner (usually \$25 per document).

6. **INTENT TO CUT TREES:** If the proposed building project includes any logging for resale, an "Intent to Cut" form may be required in accordance with RSA 79:10. See the Henniker Assessing office for further information.
7. **WETLANDS / SHORELANDS / FLOODPLAINS:** Applications will be reviewed in accordance with Henniker Zoning Ordinance Article XXI, Floodplain Development. To verify if the land is in a "special flood hazard area", as defined by Henniker Zoning Regulations XXII.133-100, see the National Flood Insurance Program Map at Town Hall. If any activity will take place within 250-300 feet of a pond, lake or river, a Shoreland Permit may be required from NH Department
8. **CURRENT USE:** If a portion of the property to be developed is under "Current Use" assessment, a new Current Use Map must accompany this application. Please note that fines may apply when Current Use status changes. See Assessing office for more information.
9. **UTILITIES:** Town tax-exemptions may be available for certain wood-heat, wind or solar systems. See Henniker Assessing office for information.
  - a. Private Septic System: If installing or replacing a private septic system, we require an "Approval for Construction" and an "Approval for Operation" from the NH Dept. of Environmental Services, Section I Page 4 Division of Water Supply and Pollution Control [phone (603) 271-3503]. Please check with the Building Department, as the state may have already submitted copies of approvals to the Town.
  - b. Town Sewer: If the proposed project impacts the capacity of the town sewer system, applicant must discuss the impact that the project may have on the town wastewater system with a representative from the town of Henniker's wastewater department and take any necessary steps as discussed. Charles E. Damour Wastewater Treatment Facility (603) 428-7215, Ramsdell Road.
  - c. Town Water: If the proposed project impacts the capacity of the town water system, applicant must discuss the impact that the project may have on the town water system with a representative from the Town of Henniker's water department and take any necessary steps as discussed. Cogswell Spring Waterworks (603) 428-3237, 146 Davison Road.
  - d. Sprinkler System and or Extinguishment Systems: If installing or replacing a sprinkler system and or extinguishment system, please contact the Henniker Fire Department for additional requirements, (603) 428-7552.
  - e. Oil-fired Heaters: If installing or replacing an oil-fired heater, a New Hampshire Oil Burner Permit is required through the Henniker Fire Department (603) 428-7552. NOTE: Oil burners shall meet or exceed the requirements of NFPA 31, Standard for the Installation of Oil-Burning Equipment.
  - f. LP Gas Burning Equipment: If installing or replacing LP (liquefied petroleum) gas burning equipment, a New Hampshire Gas Fitter License will be required. NOTE: Gas-fired appliances shall meet or exceed the requirements of NFPA 54, National Fuel Gas Code."
  - g. Solid Fuel-Burning Appliance: If installing or replacing a Solid Fuel-Burning Appliance (such as wood, coal, pellets), Solid Fuel-Burning Appliances shall meet or exceed the requirements of NFPA 211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances.
10. **DEMOLITION & ASBESTOS:** Individuals approved for demolition work shall ensure that at the end of each workday, the areas under demolition shall be secured so as not to constitute a hazard. Open cellar holes or foundations are to be fenced in such a fashion so as to adequately warn of danger. All rubble shall be removed from the property and disposed of properly (reference RSA 155-

B:13). For information on asbestos concerns, contact the New Hampshire Asbestos Management and Control Program, Air Resources Division of the NH Dept. of Environmental Services at (603) 271-1370 or [www.des.nh.gov](http://www.des.nh.gov).

11. **INSPECTIONS & CERTIFICATES OF OCCUPANCY:** It is the responsibility of the builder or property owner to contact the Town to schedule all inspections.
  - a. The only inspections the Town will complete are as follows:
    - i. Zoning Inspections
    - ii. Life Safety Inspections
    - iii. Suppression Systems
    - iv. Fire Alarm Systems
  - b. The Town of Henniker does not issue a Certificate of Occupancy (CO).
12. **NUMBERING OF BUILDINGS:** In accordance with the Code of the Town of Henniker, Chapter 28, it is the duty of every owner of a building to display and maintain the street number in accordance with Town Code. The number must be displayed at the start of construction and can be in a temporary manner during the construction phase. Below is a general description of numbering requirements in the Town of Henniker. Please consult Town Code for further information.
  1. In Arabic numerals
  2. Minimum height of 3-inch numbers
  3. Securely mounted on front wall or porch, or other fixed appurtenance on front of the building to be clearly visible from street
  4. Legible and visible from streetIf house is not clearly visible from street, the house number must be posted at the end of the driveway, at least 30-inches above ground on a substantial fixture within 10 feet from edge of the roadway, not obstructed by trees or shrubbery, visible from both directions AND on the same side of the road as the house. Numbers should be reflective and legible
13. **EXPIRATION & RENEWAL OF PERMITS:** Permits shall expire one year from the date of issue. Permits may be renewed one time prior to the expiration date. **VOID IF NOT STARTED WITHIN 12 MONTHS:** Permits shall be void if construction has not begun within one year from the date of issue. A new application process is required for any permits that have expired or become void.

First Reading: April 21, 2020  
Second Reading: May 5, 2020  
Third Reading: Waived on May 5, 2020  
Adopted: May 5, 2020



# **I.3 Hawkers, Peddlers & Itinerant Vendors Ordinance**

*Adopted and effective May 19, 2009*

## **AUTHORITY**

In accordance with the provisions of New Hampshire Revised Statutes Annotated, Chapter 31, Section 102-a and the provisions of RSA 320 and RSA 321 the following Ordinance is ordained to protect the health and welfare the citizens of the Town of Henniker, NH through the legal regulation of persons seeking to hawk, peddle and vend within the Town of Henniker.

## **PURPOSE**

To provide for the regulation of individuals who seek to hawk, peddle and vend within the limits of the Town of Henniker in order to provide for the public welfare, to keep citizens secure in their property and to provide for the public safety.

## **1. DEFINITIONS**

**Hawker and Peddler** – The terms "hawker" and "peddler" shall mean and include any person, as defined in RSA 358-A: 1, either principal or agent, who: Travels from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter or exposing therefore, any goods, wares, or merchandise, either on foot, or from any animal, cart, or vehicle; or travels from town to town, or place to place in the same town, offering to perform personal services for household repairs or improvements, or solicits or induces any person to sign any contracts relating to household repairs or improvements, including contracts for the replacement or installation of siding on any residence or building; or keeps a regular place of business, upon during business hours at the same location, but who offers for sale or sells and delivers, personally or through agents, at a place other than his regular place of business, goods, wares or merchandise.

**Itinerant Vendor** – The words "itinerant vendor" mean all persons, as defined in RSA 358-A: 1, both principals and agents, including those persons whose principal place of business is not in this state, who engage in a temporary or transient business in this state, either in one locality or traveling from place to place, selling goods, wares and merchandise, with a total value greater than \$500, from stock or by sample for future delivery, and who, for the purpose of carrying on such business, hire or occupy a temporary place of business. A "temporary place of business" means any public or quasipublic place including, but not limited to, a hotel, rooming house, storeroom, building, part of a building, tent, vacant lot, railroad car, or trailer temporarily occupied for the purpose of making retail sales of goods to the public.

- 2. LICENSE REQUIRED:** All itinerant vendors, hawkers, peddlers, traders, merchants, or other persons, who sell, offer to sell, or take orders for merchandise from temporary or transient sales locations within the Town of Henniker or who go from place to place within the Town for such purposes, as defined in RSA 31: 102-a, RSA 320 and RSA 321, must before engaging in such activities apply to the Board of Selectmen for and receive a license prior to the sale of or the distribution of items or goods. Before the issuance of a license hereunder the Board of Selectmen shall require the applicant for a license to provide the Board with a completed criminal background investigation and a motor vehicle record provided by the applicant in writing from the State of New Hampshire and the applicant's State of residence.
- 3. STATE LICENSE A PREREQUISITE TO TOWN LICENSE:** The applicant for a license hereunder must first obtain and produce a copy of a current and valid hawkers, peddlers and vendors license issued by the New Hampshire Secretary of State prior to applying for a license from the Town of Henniker.
- 4. ISSUANCE OF LICENSE:** The Board of Selectmen may issue such license under conditions and restrictions as to time and place as they deem necessary for public convenience and safety.

- 5. REVOCATION OF LICENSE:** The Board of Selectmen may revoke or suspend for a definite or indefinite period of time a license issued hereunder for any violation of this Ordinance or upon the recommendation of the Chief of Police when the license holder has been charged with or convicted for any violation of State or Federal Laws or this Ordinance. The revocation of a license issued hereunder shall not entitle the holder of the license to a refund of all or any portion of any fees or charges that were paid to obtain such license.
- 6. LICENSE EXPIRATION:** All licenses issued by the Board of Selectmen hereunder shall expire on the 31st day of December following its issuance.
- 7. STATIONARY SALES, SALES PROHIBITED IN CERTAIN AREAS:** No sales or activities otherwise authorized by the issuance of a license hereunder shall occur upon or adjacent to the following public ways in the Town of Henniker:
- Main Street
  - Old Concord Road
  - Maple Street
  - Western Avenue
  - Bridge Street
  - Depot Hill Road
  - Circle Street
  - Grove Street
  - Ramsdell Road
- 8. HOURS OF OPERATION:** No sales or activities authorized by the issuance of a license hereunder shall occur within the Town of Henniker during the following periods of time:
- From January 1st through May 14th of each year from 6:00 pm to 9:00 am
  - From May 15th through October 15th of each year from 9:00 pm to 9:00 am
  - From October 16th through December 31st of each year from 6:00 pm to 9:00 am
- 9. PROHIBITED CONDUCT:** The license holder shall not:
- Conduct any activities within 1,000 feet of the grounds of the Henniker Community School between one hour prior to the start of the school day and one hour after dismissal at the end of the school day.
  - Conduct any activities within 100 feet on the same street as any building that is a place of public assembly while such building is in use.
  - Conduct any activities on any street or sidewalk where such activities are otherwise prohibited.
  - Leave any stand or motor vehicle unattended.
  - Store, park, or leave any stand overnight on any street or sidewalk, or park any motor vehicle other than in a lawful parking place in conformance with Town and State parking Ordinances, Laws or regulations.
  - Sell food or beverages for immediate consumption unless he or she has available for public use his own litter receptacle which is available for his or her patrons' use.
  - Leave any location without first picking up, removing and properly disposing all trash or refuse remaining from sales made by him or her.
  - Placement of items under or next to the vehicle, or stand, not relating to the operations conducted as listed on license application. Such items have not been described and permitted in his application.

- Set up, maintain or permit the use of any table, crate, carton, rack, sign or other device to increase the selling or display capacity of his stand or motor vehicle, where such items have not been described and permitted in his application.
- Solicit or conduct business with persons in motor vehicles.
- Sell or distribute anything other than that which is described and permitted in his license or application.
- Sound or permit the sounding of any device which produces a loud and raucous noise, or use or operate any loudspeaker, public address system, and radio sound amplifier or similar device to attract the attention of other persons.
- Hawk, peddles, vend, sell or conduct activities under a license issued hereunder without comprehensive general liability insurance coverage approved by the Town at the time of licensing and which complies with the provisions of this Ordinance.
- Operate under a license issued hereunder without a fire extinguisher of a type approved by the Fire Chief of the Town of Henniker, or his designee, if the licensee utilizes heat-generating equipment.

**10. CONDUCT OR BUSINESSES NOT REGULATED BY THIS ORDINANCE:** The following activities shall be specifically excluded from licensing hereunder:

- A candidate for public office in the process of obtaining signatures on nomination papers to place the candidate's name on the ballot.
- Persons seeking to obtain signatures on nomination papers to have a candidate's name placed upon the ballot.
- Any person selling the product of his own labor or the labor of his family or the product of his own farm or the one he tills.
- Any person conducting sales of his personal household goods on his own property.
- Any nonprofit organization, community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes when no part of the entity's earnings benefit any private shareholder or individual.
- Any person conducting business in any industry or association trade show.
- Any person who sells exclusively antiques, used goods, or vintage items.
- Any vendor selling (for profit or not) on behalf of any Town organized event such as Old Home Day, or any other events sponsored by any other Town Committee.
- Farmers markets if permission of location is authorized by the owner of the land or building.
- Any delivery services, as an extension of a bona-fide existing business or corporation, including a NH registered 'franchise' vendor, cleaners, tool sales, florists, businesses that generate deliveries (via UPS, Fed-Ex and the like) from internet sales or any business that develops a 'Route Delivery and Sales' type service on a regular basis, such as meats, home delivered dairy goods and similar situations as determined by the Selectmen.

**11. INSURANCE REQUIREMENTS:** Applicants for a license hereunder shall comply with such insurance requirements as shall be required by the Town at the time of the licensing. The type and amount of insurance will depend upon the type of operations to be carried out by the applicant. The Town shall be named as an additional insured on all insurance required. Licensees shall not hire or otherwise employ persons to work for them under a license issued hereunder without valid Workers' Compensation Insurance in place to cover such persons, evidence of which shall be filed with the Board of Selectmen. Cancellation of any required insurance coverage automatically cancels any license issued hereunder.

**12. PENALTIES:** Any person, firm, corporation, association, partnership or other individual or group who is a hawker, peddler or vendor and who violates the terms of this Ordinance or the terms of a license issued hereunder shall be guilty of a violation and each day such violation.

Any of the above that continues after notice of such violation shall constitute a separate violation. Fines imposed by the Court shall be placed in the General Fund of the Town of Henniker.

- 13. FEES:** The license fee for a hawkers and peddlers license shall be \$50.00 and for a vendor's license shall be \$250.00
- 14. SEVERABILITY:** If any section, or part of a section, or paragraph of this Ordinance is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections, or part of a section or paragraph of this Ordinance so long as the purposes of this Ordinance can still be achieved in the absence of the invalidated provision.
- 15. ADOPTION, EFFECTIVE:** This Ordinance shall become effective upon its adoption by the Board of Selectmen in accordance with the requirements of RSA 31: 102-a.
- 16. PENALTY:** Violation of this ordinance shall carry a penalty of \$100.00 for each day a vendor, hawker or peddler engages in selling goods or services without a permit or continues to operate after notification of violation.

## **I.4 Assessing Policy**

*Adopted and effective October 2, 2012*

It is the direction of the Board of Selectmen that assessing occurs in accordance with the Laws of the State of New Hampshire and the administrative rules provided by the NH Department of Revenue Administration. Where there is leeway, the Board of Selectmen may adopt policy (ies) for the purposes of improving and enabling clarity for the Town's Assessor, Assessing Staff and property owners subject to taxation by the Town of Henniker.

### **ASSESSING POLICY REGARDING RVS AND TRAILERS**

The New Hampshire Supreme Court in the Appeal of Town of Pelham ruled that, "a trailer is taxable as a building, if by its use it:

- is intended to be more or less permanent, not a temporary structure;
- is more or less completely enclosed;
- is used as a dwelling, storehouse, or shelter; and,
- is intended to remain stationary."

The following criteria shall provide additional direction regarding the taxation of RVs and Trailers in the Town of Henniker.

The Board of Selectmen incorporates the matrix presented below as policy and as instruction to the Town Assessor and Assessing Staff. The Town will not assess RVs and Trailers when:

- the trailer has proof of current registration, attached to a license plate that is attached to the trailer;
- the trailer is road-worthy; and,
- the trailer is readily movable.

# 1.5 Right to Know Policy

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Adopted 12-3-19

## I. STATEMENT:

This policy is intended to provide town personnel with guidance regarding the requests of citizens and others for information. The town seeks to balance openness and transparency (in accordance with RSA 91-A) versus staff time and town resources. To these ends please familiarize yourself with the Town's Administrative Procedure regarding the Right to Know statute and follow the steps below.

## II. PROCEDURE

1. All requests for information per RSA 91-A should be referred to the Town Administrators Office. The intent here is that there is but one point of contact for our offices and one point of information dissemination.
2. The department receiving the request will ask the person making the request to fill out a "Right to Know" Request form (copy attached). We cannot require citizens to use this form; however, we can use the form for our own purposes to document the request. If a citizen does not fill out the form, the department taking the request will fill out the form on behalf of the person making the request at the time the person makes the request, and forward to the Town Administrator's Office.
3. The Town Administrator will review the request and determine how we are to respond (who, what, when, how). If the information requested is readily available for immediate inspection, we must allow immediate inspection, regardless of whether a form has been filled out and processed.
4. Any information produced in response to a Right to Know request per RSA 91-A will be copied and kept in a separate file in the Town Administrator's office along with the corresponding Right to Know request form.

### **Please know that the statute provides the following important provisions:**

1. If the town is unable to make a governmental record available for immediate inspection and copying, the Town must, within 5 business days of request, make such record available, deny the request in writing with reasons, or furnish written acknowledgment of the receipt of the request and a statement of the time reasonable necessary to determine whether the request shall be granted or denied (the Right to Know form will be used for this purpose).
2. If permitted by law, the individual requesting a copy of a governmental record will be charged with the actual cost of providing the copy. The town has established the following rate for all items:
  - a. Black and White photocopies of documents and of black and white computer-printed documents will be charged at \$0.50 per page for the first 10 pages of any document for letter (8.5 x 11) size, legal (8.5 x 14) size and ledger (11 x 17) size and \$0.10 per page thereafter. *For example, since each document is treated separately for purposes of these charges, if a person wanted copies of both a 10 page document*

*and 20 page document, there would be a \$5.00 charge for the first document (\$0.50 x 10) and a \$6.00 charge for the second document (\$0.50 x 10 + \$0.10 x 10) not a \$7.00 charge for the two documents.*

- b. Colored photocopies of letter, legal and ledger size documents and colored computer printed documents will be charged \$1.00 per page for the first 10 pages and \$0.25 per page thereafter. If necessary, employees may need to indicate in writing that a document requested to be reproduced in color will require additional time consistent with the town's personnel and other capabilities within to produce a color copy of the document.
- c. Electronic medial storage will be provided on an unopened, new thumb drive approved by the Town. Thumb drives are available for purchase from the Town.

\*\*\*NOTE – under the Right to Know Law, “no fee shall be charged for the inspection or delivery, without copying, of governmental records, whether in paper, electronic, or other form.” RSA 91-A:4, IV (2020). If the Town is not required to “copy” a record before delivery or inspection, then no copying fee shall be charged. Examples included, but are not limited to, documents delivered in electronic format or documents with multiple copies already in existence at the time of request.

- 3. Nothing in the law required the town to compile, cross reference, manipulate or assemble information into a form in which it is not kept or reported by the Town already. The Town shall simply provide the information in the format it currently exists.
- 4. Exempt from disclosure are preliminary drafts, notes, memoranda and other documents not in their final form and not already disclosed to the public, circulated or available to a quorum or a majority of the members of a public body. The town has five (5) business days after a public meeting to make the minutes available to the public. If not finalized in five (5) days, the Town can release a draft version with the notation “draft version.”
- 5. Nothing in the law required the Town to provide information to an out of state individual. See McBurney v Young, U.S. Supreme Court, No. 12-17, 4/29/13. Requests from out of state individuals will be reviewed and analyzed on a case-by-case basis.
- 6. Nothing in the law required the Town to answer questions. The law only requires the Town to disclose governmental records.

**-END OF PROCEDURE-**

First Reading: November 19, 2019  
Second Reading: December 3, 2019  
Third Reading: Waived December 3, 2019  
Adopted: December 3, 2019

## “RIGHT TO KNOW” REQUEST

The public information identified below is requested forthwith, pursuant to New Hampshire RSA 91-A.

### INFORMATION REQUESTED FROM:

Name of Public Body
Address

Person Making the Request (print):

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

Once payment is received\*, if requested information is not immediately available; I would like to have it:

- ☐ Sent to me via U.S.P.S. mail to: \_\_\_\_\_
  
- ☐ Held for me. Call me at \_\_\_\_\_ and I will pick it up.

Signature of person making the request: \_\_\_\_\_

Description of Information Requested:

I hereby attest that I have received a copy of this public information request on behalf of the public body named above at \_\_\_\_\_ a.m. or p.m. on \_\_\_\_\_  
(Circle One) (Month, Day and Year)

\_\_\_\_\_  
Name of the person accepting the request (Print)

\_\_\_\_\_  
Signature

- 
- 
- ☐ The requested information is NOT AVAILABLE. Reason \_\_\_\_\_  
Attach explanation if necessary
  - ☐ The information may not be available. We will search and notify you of our results
  - ☐ The information is available, and the cost to reproduce will be \_\_\_\_\_ per 8.5 x 11 photocopy  
\$\_\_\_\_\_ Per audiotape. Larger documents or records will be charged at the cost to reproduce them\*

\_\_\_\_\_  
Name of person responding (Print)

\_\_\_\_\_  
Signature of Person Responding

\_\_\_\_\_  
Date of Response

\*Black and White photocopies of documents and of black and white computer-printed documents will be charged at \$0.50 per page for the first 10 pages of any document for letters (8.5 x 11) size, legal (8.5 x 14) size and ledger (11 x 17) size and \$0.10 per page thereafter. For example, since each document is treated separately for purposes of these charges, if a person wanted copies of both a 10 page document and a 20 page document, there would be a \$5.00 charge for the first document (\$0.50 x 10) and a \$6.00 charge for the second document (\$0.50 x 10 + \$0.10 x 10), not a \$7.00 charge for the two documents.

Colored photocopies of letter, legal and ledger size documents and colored computer-printed documents will be charged \$1.00 per page for the first 10 pages and \$0.25 per page thereafter. If necessary, employees may need to indicate in writing that a document requested to be reproduced in color will require additional time consistent with the Town's personnel and other capabilities within which to produce a colored copy of the document.



# ***Section II***

## ***Meeting, Board & Committee Policies***

### **II.1 Board of Selectmen Meeting Procedures**

*Updated March 6, 2007*

#### **1. MEETING PROCEDURES**

We, the Board of Selectmen of the Town of Henniker, NH, resolve that the following rules of order and procedure shall govern the deliberations and meetings of this Board.

It is the intent of the Board of Selectmen to adopt rules, procedures and policies to conduct meetings and take action in an orderly manner and allow for proper public participation.

#### **2. BOARD OFFICERS**

The Chairman of the Board shall preside at all meetings unless he/she delegates the responsibility to another Board member. If the Chairman of the Board is absent at the designated date and time of the meeting, the Vice Chairman of the Board shall call the meeting to order and preside. The Chairman or Vice Chairman may offer a motion, or second a motion and participate in any Board discussion and vote.

#### **3. AGENDA**

A standard order of business and agenda together with the unfinished business shall be maintained and presented at each meeting. The normal order of business shall be:

- Signing of Documents by Board Members
- Action on Consent Agenda
- Official Call to Order
- Pledge of Allegiance
- Public Forum
- Appointments with the Board
- Old Business: Including-2nd and Third Reading of Policies
- New Business-Including the 1st Reading of policies
- Action on Minutes
- Town Administrator's Report
- Correspondence
- Selectmen's Reports
- Committee Reports
- Non-Public Session (if needed)
- Adjournment

Any citizen may request an addition to the agenda until noon Thursday prior to the scheduled meeting.

Any new business matters may be added to the agenda upon the request of any members at any time prior to the scheduled meeting.

The Chairman may change the order of business as he deems may best accommodate the needs of the Board, subject to a motion to over-rule his decision, seconded and approved by a majority of those present and voting.

#### **4. DELIBERATIONS**

A legal quorum is necessary to conduct a Board of Selectmen's meeting. A legal quorum is three (3) of the five (5) Board members. The Board of Selectmen agrees that to approve a question a majority is necessary. A majority is a majority of those present and voting upon an issue.

The deliberations of the members shall be conducted in the following manner:

- A member shall not address the meeting until the presiding officer recognizes the member. He shall thereupon address himself to the Chairman of the Board and confine his remarks to the question under discussion and avoid all personalities.
- The presiding officer shall name the member who is to speak first when two or more members simultaneously seek recognition.
- Only members of the Board shall address the meeting; citizens and others may address the Board when recognized by the Chair. A majority of the members present must approve any non-member participating once the Board begins its discussion of a motion and/or amendments.

#### **5. DECISION MAKING**

##### **General**

- A main motion shall be discussed or acted upon only after it has been moved and seconded. A motion may be withdrawn or amended only with the consent of the person making the same and the person seconding it.
- There can be only one main motion pending at a time. Any member desirous of concluding the debate may move the previous question, in which event the Chairman of the Board shall announce the question as "Shall discussion cease?"
- The Board shall vote upon the main motion without further debate, if a majority of the members present vote affirmatively. Such vote ends all debate and causes the members to vote, first upon any pending amendments, and then upon the main question.
- Any members may demand a roll call vote on any matter. The Clerk shall record the vote of each member in the minutes. Every member shall vote when a question is put, unless the Board by a majority vote of the quorum present shall excuse the Board member for good cause.
- A majority vote of the quorum present and voting shall be necessary for approval in favor of any proposed ordinance, resolution, or appointment, unless the law requires a larger number.
- The lack of vote or action to put a question on the agenda is a negative vote on the question. Such action concludes, answers, dispenses and rejects the matter. The Clerk shall record that the Board rejected the matter by lack of action.

##### **Major Items**

- All major actions of the Board shall require a seconded motion. All non-unanimous decisions shall record the votes of each member in attendance.

##### **Consensus Decisions**

- The Chairman may declare a consensus vote to have approved a proposal whenever he judges that all members' present favor the action, provides an opportunity for the expression of opposition and instructs the Clerk to record in the minutes that the action has been taken, by consensus and without opposition. Any indication of opposition shall make a recorded vote necessary.

### **Consent Agenda**

- All routine business items deemed to be of essentially a non-controversial nature may be placed on the consent agenda. This may include, but not be limited to, approval of various permits, re-nomination of employees, committee appointments, document approval, etc.
- Any Board Member may request the Chair to omit a listed item from the consent agenda. The making of this request prior to the motion to approve the Consent Agenda will result in that item being reviewed separately.
- A simple motion to approve the consent agenda, when seconded and approved by a majority of those present and voting shall be sufficient to approve all items presented on the consent agenda.

### **6. GENERAL**

The Henniker Board of Selectmen is required to comply with the New Hampshire's Right-to-Know Law, RSA Chapter 91-A.

## **II.2 Public Hearings**

*Adopted September 19, 2006*

### **LEGALLY REQUIRED HEARINGS**

When New Hampshire Law or local Henniker Town ordinances require that a public hearing be held, the hearing shall be scheduled to start at 6:30 p.m. unless another time is specifically set by the Board of Selectmen. Such hearings may be scheduled either during a regular or special meeting of the Board of Selectmen. Should more than one Public Hearing be required at the same session of the Board, they shall be scheduled in immediate sequence: in an order determined by the Chairman.

### **ORDER OF BUSINESS**

1. The first order of official business at a public hearing shall be a review of the specific purposes for the hearing and the legal requirements that are involved. The chairman or his designee shall be responsible for this presentation.
2. The Chairman shall establish the amount of time allowed for the initial presentation by those proposing the specific action requested. He shall do so after consultation with the responsible parties. The time set shall be for an uninterrupted presentation.
3. Members of the public shall then be allowed to ask involved parties questions that pertain to the issues involved.
4. Members of the Board of Selectmen shall then be given time to ask questions and solicit information.
5. Members of the public, Town officials and representatives of Town Committees shall be given an opportunity to offer their public recommendations to the Board of Selectmen on the issue(s) involved. Each presentation shall be limited to two minutes duration and each person shall only have one opportunity to address the Board of Selectmen.
6. Exceptions to these rules may be granted by the majority of the Board of selectmen, upon a properly made and seconded motion.

## **II.3 Citizen Participation At Meetings**

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*Adopted May 2, 2006*

### **GENERAL EXPECTATIONS**

Persons attending meetings are requested to either refrain from bringing cell phones into the meeting room or to place them in quiet mode so as not to disrupt the meeting.

Citizens will address and be recognized by the Chairman. Citizens may be required to state their name and address for the record. Citizens will refer all direct questions to and through the Chairman at a meeting.

Non-residents in attendance wishing to speak at the meeting shall identify themselves as non-residents, state the purpose of their participation, request permission to address the meeting and be recognized by the chairperson in advance of participating in any discussion.

Exceptions to the rules for the participation of non-residents at Board of Selectmen's meetings are granted to those persons invited to participate by the Board of Selectmen and those persons advising persons with scheduled business before the board.

### **PUBLIC FORUM**

A regular part of each regular meeting of the Board of Selectmen shall be the Public Forum. During this time citizens may address the Board of Selectmen on any items of interest pertaining to municipal affairs, including those who are not on the agenda. The intent is to allow citizens to be heard early in the meeting.

Speakers may offer such objective criticisms of town operations and programs as concern them, but in public session the Board will not hear personal complaints against town employees. Other channels provide for Board's consideration of legitimate complaints involving individuals. Persons having such issues are directed to the Town Administrator for information on the proper procedures to be followed.

The Chair will recognize each attendee who wishes to speak.

Due to the large number of items usually on each Board agenda, individual presentations should last no longer than 2-3 minutes. Written remarks are encouraged.

Persons appearing before the Board are reminded as a point of information that the members of the Board are without authority to act independently as individuals in official matters, thus questions may be directed to individual Board members but answers must be deferred pending consideration by the full Board.

The Board or the Town Administrator will respond to questions if the information is available. Otherwise, the matter will be referred to the Town Administrator who will contact the citizen with the information as soon as it is available.

In some cases, the request will require action as an agenda item at a later meeting. Generally the Board of Selectmen shall not be expected to take action at the same meeting on any issue raised during the Public Forum.

### **PERSONS SCHEDULED TO APPEAR BEFORE THE BOARD**

This section of each agenda is reserved for people who have been pre-scheduled to appear before the Board. This section of the Board's agenda is normally where committee reports are heard, public hearings on ordinances are held, requests for abatements, specific proposals or requests for Board action and other significant issues are handled.

Except in actual emergencies, arrangements shall be made by noon on the Thursday prior to the date of the Board Meeting. This is so that the individual speaker and specific topic may be listed on the agenda and supporting materials may be provided to Selectmen prior to the meeting.

Appearances will be scheduled within the next two regularly scheduled Board meeting whenever possible.

The person wishing to be scheduled before the Board is encouraged to be as brief as possible since most meetings have several persons scheduled before the Board.

It is most helpful when the Board is aware of what specific action the petitioner is requesting. Furnishing basic information backing up a request to the members of the Board in advance is helpful. A form for a presenter to provide the Board with basic information shall be completed; or its equivalent provided, at the time the request to be heard is submitted to the Town Administrator.

## **PRESENTATION**

When you are scheduled to appear before the Board you will be given up to ten minutes –uninterrupted-to make your presentation.

Town Officials that are involved in the area being discussed and other interested parties may be able to present their opinions.

Board members will then have time to address questions to you and others that are involved.

## **PARTICIPATION DURING BOARD DELIBERATIONS**

Citizen participation shall generally not be permitted once the members of the Board begin discussion of a motion and/or amendments without a majority of the members approving such participation.

The significant workload at each meeting does not permit the Board to actively engage in discussions with visitors at these times during the meeting.

## **AUTHORITY OF THE CHAIRMAN**

The Chairman has authority to keep order and impose reasonable restrictions necessary for the efficient and orderly conduct of a meeting. Any person who fails to comply with reasonable rules of conduct or who creates a disturbance may be asked or required to leave and upon failure to do so becomes a trespasser and subject to removal.

The Board vests in its Chairperson the authority to terminate the remarks of any individual when they do not adhere to the rules established above as to the content or time limitation.

## **II.4 Town Committees and Boards**

*Adopted August 2, 2005. Revised September 2, 2008; September 15, 2009; May 12, 2010; July 20, 2010; August 17, 2010; Feb. 15, 2011; July 19, 2011; Dec. 20, 2011, June 19, 2012; April 2, 2013, April 15, 2014, September 20, 2016, February 22, 2017, June 20, 2017, November 2, 2021*

### **APPOINTMENT**

The following standing committees/Boards, and special committees (with set end dates), with the following maximum number of members, shall be appointed by the Henniker Board of Selectmen. Those committees with an asterisk (\*) will include a member of the Board of Selectmen:

**Athletic Committee for Youth** – 11\* (standing)

**Azalea Park / Riverwalk Committee** – 9 (standing) + 3 alternates

**Budget Advisory Committee** – 11 (standing)

**Byway Advisory Committee\*** – (standing\*, to include member of business community, NEC rep, selectman, planner and/or land use coord., Planning Board member, Conservation Commission member, Historical Society or Historic District Commission member, highway safety comm. member, & paper mill restoration committee member)

**Capital Improvements Program Committee** – 11\* (standing; to include Planning Board, Budget Committee, School Board and residents)

**Community Center Activities Committee** – unlimited (standing)

**Community Concerts Committee** – 5 (standing)

**Conservation Commission** – 7\* + 3 Alternates (standing)

**Contoocook River Local Advisory Committee** – 1 (standing)

**Economic Development** – 7\* + 3 Alternates (standing) Planning Board Member, Conservation, Commission Member, Chamber of Commerce Rep, New England College Rep, & Two Citizen Reps. (to be nominated by the Town Moderator), and Three Alternates with the primary advisor (non-voting) being the Town Planning Consultant

**Energy Committee** – 5\* (standing)

**Fair Hearings Authority** – 3 (standing)

**Highway Safety Committee** – 11\* (standing; Automatically includes the Chief of Police, Fire Chief, Rescue Chief and Highway Dept. Head)

**Historic District Commission** – 7\* regular members and 5 alternates (standing)

**Municipal Records Committee** – 7\* regular members and 5 alternates (standing; to include Municipal Officer, Clerk, Tax Collector, Assessor & Treasurer and two Citizens)

**OHRV Committee** – 11\* regular members (standing; to include Chamber of Commerce Rep, Road Agent, Police Chief, Economic Development, two Contoocook ATV Valley Riders, two Conservation, two Citizen Reps. Est. 2-21-17

**Road Management Committee** – 9 regular members\* (standing; to include Road Agent, one Planning Board member and residents)

**Safety and Loss Prevention Committee** – 7\* (standing; Includes equal representation of employee & employer, representing the following departments: Admin., Highway, Fire, Wastewater/water, Transfer/parks & buildings, Police)

**Spirit of Henniker Organizational Team (S.H.O.T.)** – 13 (standing)

**Trails Committee** – 7 members (special committee; Includes a conservation commission member, one hiker enthusiast, one snowmobile enthusiast, one ATV enthusiast, one mountain bike enthusiast and two at large)

**Zoning Board of Adjustment** – 5 regular members and 5 alternate members (standing)

The Board of Selectmen shall generally appoint members of Boards, Committees or Commissions to three year terms or for the balance of the term held by a member who has resigned or been removed.

The Board of Selectmen shall generally appoint members of Boards, Committees or Commissions so that approximately one-third of the membership terms expire in each of three consecutive years.

All appointments to the Zoning Board, Conservation Commission, Fair Hearings Authority, Municipal Records Committee and Historic District Commission must be validated by the appointed member being officially sworn in by the Town Clerk or Deputy. All other volunteer appointments must be validated by the completion of a Volunteer Agreement.

### **COMMITTEE ORGANIZATION**

Each Board, Committee or Commission shall organize promptly after it is established, and annually, as required by the Board of Selectmen. Each shall elect a chairman, vice-chairman, and secretary.

However, the Board of Selectmen may appoint the chairman of a committee, board or commission when it feels that it is desirable.

A majority of the members of a committee shall constitute a quorum thereof.

This Section shall not apply to the Zoning Board of Adjustment or the Historic District Commission, which are governed by NH RSA Ch. 673.

### **REAPPOINTMENT**

All committee and board appointments shall end, unless otherwise determined by the Board of Selectmen, on September 1st of their term expiration year.

Each year, the Town Administrator will notify all committee and board members whose terms are due to expire that if they desire to seek reappointment they must file a written request for reappointment no later than July 31<sup>st</sup>.

Alternate members of any committee or board shall apply for any openings as a full member, in writing, to the Board of Selectmen, as vacancies may occur.

Reappointments do not require the interview process unless the Selectmen request such interview.

### **RECRUITMENT OF NEW MEMBERS**

The Town Administrator will publicly advertise all anticipated or known committee and board openings and solicit volunteer applications for these openings. The advertisements will aim for the widest local circulation possible.

Persons interested in volunteering for service on committee and boards will submit a formal letter and/or application in order to be considered for appointments. All requests for appointment shall be received no later than July 31<sup>st</sup> in order to be considered for positions that are open.

Any volunteer applications received beyond the regular annual July 31<sup>st</sup> appointment period will be saved for the future consideration of the Board of Selectmen, as vacancies may occur.

Any NEW applicant for any committee shall be placed on the Selectmen's Agenda for a brief introduction/interview. This applies to both regular and alternate positions.

### **RESIGNATIONS - REMOVAL**

Any member of a committee and board shall submit his or her resignation to the Board of Selectmen for action.

Any committee or board member who fails to attend three consecutive meetings or five meetings within the annual period of September 1st through August 31st shall be deemed to have resigned and an automatic vacancy will be declared. Persons who believe that they have acceptable reasons for



reinstatement may request reconsideration by the Board of Selectmen. This policy is WAIVED for S.H.O.T. in order to allow certain S.H.O.T. members to exclusively function in their delegated specialty of events planning.

The Board of Selectmen may, by majority vote and for just cause, remove any member of a committee or board whom it has appointed to the committee or board.

The Board of Selectmen may, by a majority vote, disband any committee.

This section shall not apply to the Zoning Board of Adjustment or the Historic District Commission, which are governed by NH RSA Ch. 673. Further, paragraph (d) shall not apply to the Conservation Commission.

## **ADMINISTRATION**

The Town Administrator will communicate with the respective chairperson of each committee and board about resignations, candidates to fill vacancies, vacancies created by absenteeism and the elevation of an alternate member to a full membership and the Town Administrator would inform the chairperson of the committee when new appointments or re-appointments are made.

The Town Administrator shall provide each chairperson with an opportunity to make recommendations, on a timely basis, to the Board of Selectmen.

Resignations, requests for reinstatement and applications for membership on committees and boards shall be forwarded to the Town Administrator for consideration of the Board of Selectmen.

## **OTHER REQUIREMENTS**

The Chairpersons of the Athletic and Community Center Committees shall see that all adults under their direction who shall be working with children shall have their records subjected to a favorable criminal records check prior to their direct supervision of children.

The Board of Selectmen expects that members of any Town Committee shall treat its representatives in a civil manner. In view of past exceptions to those expectations, the Board of Selectmen reserves the right to remove any member of any Town Committee or Board (appointed by the Selectmen) who, in any significant manner, is disrespectful, engages in personal attacks, or otherwise attempts to intimidate the Board of Selectmen's representatives.

Notice of Meetings: All committee meetings must be posted at least 24 hours prior to meeting, in two public places. Such notice may be in the form of an Agenda or Meeting Notices must be submitted to the Selectmen's office. The Selectmen's office will post the notice/agenda on behalf of the committee. Chairs should ensure that notices/agendas are submitted in a timely fashion to allow for posting, normally one to two weeks in advance.

Minutes and Record Keeping: Minutes of all committee meetings must be made available to the public within five business days of such meeting. All minutes, agendas and meeting notices are to be copied to the Selectmen's Office for proper posting and permanent record keeping.

Courtesy Notification: Acting upon a matter of common courtesy, any discussion or agenda item brought before any Town of Henniker committee that names or focuses upon property in private ownership shall include an invitation (written or personal) given to the respective property owner(s). The invitation shall be made a matter of record before any discussion ensues.

## **II.5 Litigation Involving Town Boards and Committees Policy**

*Document dated January 14, 2007*

The Board of Selectmen is responsible for hiring Town Counsel and overseeing legal matters in the Town. In order to fulfill its responsibilities, the Board of Selectmen adopts the following procedures.

1. Whenever a Town Board or Committee is sued, a copy of the legal action shall be given to the Town Administrator.
2. The Town Administrator should notify Town Counsel and the Town's insurance carrier.
3. In matters in which no insurance counsel is appointed, Town Counsel shall represent the Board or Committee.
4. Except for counsel appointed by the Town's insurance, the Board of Selectmen must approve in advance any Board or Committee's use and/or hiring of any other attorney.
5. The Board of Selectmen must approve in advance the Board or Committee's solicitation or acceptance of outside funding for any litigation.
6. If the trial court reverses a decision of a Board or Committee, then the Board or Committee and Board of Selectmen in consultation with Town Counsel must both consider whether to appeal the decision. The Board or Committee in the first instance should determine, based on input from Town Counsel, whether it wants the Town to appeal the decision. If the Board or Committee wants to appeal, it should forward its decision to the Board of Selectmen with its reasons. The Board of Selectmen should give deference to the decision of the Board or Committee on whether to appeal unless the Board of Selectmen determines it is not in the Town's best interests.
7. In instances where the Board of Selectmen will appeal or file a legal challenge to a decision of one of the Town's Boards or Committees, the Board of Selectmen shall authorize that Board or Committee to obtain independent counsel and provide a reasonable amount of money for the Board or Committee to do so.
8. In instances where the trial court has upheld the decision of a Board or Committee and the opposing party appeals, Town Counsel or the attorney selected by the Board of Selectmen shall continue to represent the Town in the appeal.

## **II.6 Requests of Legal Inquiries or Opinions from Town Counsel**

*Adopted February 20, 2007; Revised August 17, 2010*

The Town Administrator, on behalf of any committee, board or department, shall establish first inquiry or introduction of any case. The Town Administrator shall determine whether a contact should be made through the LGC (Local Government Center) Legal Assistance or, if involving any claim of property liability, the LGC Insurance Trust.

Upon introduction of legal question or topic by any of the above, the chairman of the committee or board, with approval of the Town Administrator, shall have the authority to continue the dialogue directly with Town Counsel until such time as issue is resolved. Town Counsel shall copy the Town Administrator on all correspondence to each committee and board, in which the Town Administrator shall keep the Board of Selectmen apprised of all information pertaining to any case.

Department Heads and Advisory Committees shall direct questions to the Town Administrator unless other arrangements are made in specific cases. No member of the Board of Selectmen shall direct the Town Administrator to seek an opinion from Town Counsel without the permission from the Chair and/or the majority of the Board.

The Board of Selectmen authorizes the Town Administrator to utilize the services of Town Counsel at any time as deemed justifiable and necessary in communicating questions or inquiries on behalf of the Board.

## **II.7 Budget Advisory Committee Operational Policy**

*Adopted January 24, 2006  
Item I Adopted August 15, 2006*

The Town Budget Advisory Committee shall select its own officers and operate under the rules and procedures established by the Board of Selectmen for Town Committees. It will also adhere to the legal requirements of the "Right to Know Law".

The sole role of the Town Budget Advisory Committee shall be to review the tentative budget proposal prepared by the Board of Selectmen and to provide recommendations for the Board's review.

The Board of Selectmen expects that various town departments, committees, and boards shall provide the Committee with available information needed for their consideration. Until the Board of Selectmen determines the final budget to be presented to the voters, department heads and committee representatives shall be free to offer alternative suggestions to the Town Budget Advisory Committee.

The Budget Advisory Committee shall submit a written report of their recommendations within two weeks of the completion of their review meetings. All recommendations made to the Board of Selectmen shall include a recorded vote on each item.

The Budget Advisory Committee shall only function from the time of its receipt of the Board of Selectmen's annual proposed budget through the final completion of its written report of recommendations to the Board of Selectmen.

The Budget Advisory Committee may submit a report to be included in the Town Report published in a location close to the town warrant.

The Budget Advisory Committee shall not have the authority to have their recommendations noted in the town warrant presented to the voters.

The Board of Selectmen shall publicly review the recommendations of the Budget Advisory Committee at their meetings following the receipt of the committee's report. The Selectmen shall act upon each recommendation and forward a record of its actions to the members of the Budget Advisory Committee.

Committee members shall abstain from voting upon any issue that directly relates to the budget proposal of any town committee or organization on which they are a current member or have had business dealings with in the previous year. However, they shall be able to participate, with Budget Committee consent, in discussion involving that town committee or organization's budget request as a representative of the town committee or organization or as a member of the public.

## **II.8 Athletics Code of Conduct**

*Adopted April 20, 2010*

As a participant in Henniker Athletics, I agree that:

1. I will not force my child to participate in sports. I will remember that children participate in sports to have fun and the game is for youth, not adults.
2. I will learn the rules of the game and policies of the league. I will teach my child to play by the rules and to resolve conflicts without resorting to hostility or violence.
3. I (and my guests) will be a positive role model(s) for my child and encourage the essential elements of character-building and ethics in sports by encouraging sportsmanship, respect and courtesy, by demonstrating positive support for all players, coaches, officials and spectators at every game, practice or event.
4. I (and my guests) will not engage in any unsportsmanlike conduct with any official, coach, player or parent such as booing, taunting, refusing to shake hands, or using profane language or gestures.
5. I will demand that my child treat other players, coaches, officials and spectators with respect.
6. I will teach my child that doing one's best is more important than winning, so that my child will never feel defeated by the outcome of a game or his or her performance. I will emphasize skill development and practice over winning. I will teach my child that winning is good, trying to win is better, but that one would rather lose than to sacrifice one's ethics in a "win-at-all-costs" attitude. I will promote the emotional and physical well-being of the athletes ahead of any personal desire I may have for my child to win.
7. I will teach my child that there are no shortcuts to success. Only through hard work and practice will he or she establish the foundation for achievement.
8. I will praise my child for competing fairly and trying hard. I will never ridicule or yell at my child or other participants for making a mistake or losing.
9. I will respect the coaches' role as coach. As such, I will not undermine the coaches' authority by criticizing in-game tactics and strategy or personnel decisions about what position the athlete plays or playing time. I will refrain from coaching my child or other players during games and practices, unless I am one of the official coaches of the team.
10. I will respect the officials and their authority during games and will never question, discuss or confront coaches at the game field or in front of athletes and will take time to speak with coaches at an agreed upon time and place.
11. I will demand a sports environment free from drugs, tobacco and alcohol and I will refrain from their use during games.
12. I will not threaten or assault any coach, official or spectator. I understand that law enforcement may be notified if I engage in any criminal behavior.
13. I also agree that if I fail or that if my child fails to abide by the aforementioned rules and guidelines, we will be subject to disciplinary action that could include, but is not limited to any or all of the following:
  - Verbal warning by official, coach, league official or Henniker Athletic Committee.
  - Any reasonable discipline that is employed by the coach to educate the athlete in regards to proper team conduct.
  - Written warning by official, coach, league official or Henniker Athletic Committee. The warning shall be kept on file with the Town Administrator for a period of two years.
  - Game suspension with written documentation.
  - Season suspension with written documentation.

## **ADDENDUM – DISCIPLINARY RULES**

**SUSPENSIONS:** The Sport Director makes the decision on all suspensions. Any disciplinary action resulting in suspension of the game or season from the team or game shall be reported in writing to the Chairperson of the Henniker Athletic Committee within 72 hours of the action imposed by the Director. The reasons for dismissal or suspension must be adequately documented.

**APPEALS:** The athlete and/or the athlete's parents may appeal the decision of the Director within 72 hours of the decision. The Director shall convene a minimum of three members (or any other odd number of members greater than three) of the Athletic Committee within 72 hours of the notice of appeal.

**APPELLATE PROCEDURE:** The Athletic Committee members will hear from all parties and any other person who personally witnessed the events leading to the suspension, giving each party a reasonable opportunity to be heard.

The Athletic Committee members may place limits on the scope of the appeal, as to time and the level of the inquiry; placing reasonable time limits for introduction of evidence and number of witnesses. For example, neither party may call 20 witnesses who will all testify to the same thing, or, disallowing irrelevant testimony about personality conflicts or personal grudges.

The Athletic Committee members shall determine whether the Director's decision to suspend was fair and reasonable considering the totality of the circumstances. Evidence of past written warnings against an individual may be considered as an aggravating factor. The Athletic Committee members shall vote publicly, the majority decision will rule.

During the appellate process, suspended parents may not attend any game.

During the appellate process, suspended athletes may not play in games.

I have received a copy of this Code of Conduct.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent's Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name of Athlete

\_\_\_\_\_  
Printed Name of Athlete

\_\_\_\_\_  
Printed Name of Athlete

## **II.9 Athletics – Accepting Non-Resident Children and Out-of-Town Programs for Resident Children**

*Adopted May 1, 2012*

The Henniker Athletic Committee is authorized to permit children from other towns to participate on Henniker town athletic teams upon the following conditions:

1. The Committee shall annually establish a maximum number of players for each of its teams. That figure shall be based upon the number of Henniker children eligible to participate and be subject to meeting league requirements.
2. The parents or guardians of any child that is a resident of another town must apply in writing to the Henniker Athletic Committee for consideration to participate on any Henniker town athletic team. The application shall include specific reasons that indicate the reason(s) why the child is seeking to participate in Henniker's programs. Such applications shall be submitted on a timely fashion, as shall be established by the Henniker Athletic Committee, but no later than the signup deadline.
3. Officials of the Henniker Athletic Committee shall check with officials of the local Athletic Committee of the town in which the applicant resides to determine whether the child was eligible to play on a team in that community. The responsible officials will attempt to obtain a recommendation from the officials of the child's community as whether they approve of the child participating in the Henniker program.
4. The acceptance of any child from another community shall not deprive any resident of Henniker from participating on a Henniker team that would otherwise be so eligible.
5. The acceptance of children from another community shall not result in the creation of the need for additional teams or an increase in program costs beyond that normally associated with furnishing an individual player with the materials and services necessary to participate.
6. The Henniker Athletic Committee shall annually furnish a list of fees to be charged for non-resident individuals to participate on Henniker teams for the approval of the Henniker Selectmen. These fees shall remain in effect until changes are approved by the Selectmen.
7. Payment for non-residential participation on Henniker athletic teams shall be processed through the Town of Henniker financial system. The accepted non-resident shall not participate until full payment is received by the Town. Payment may be made by the child's parents or the Town of Residence.
8. Approvals, if granted, shall be only for one season. Applicants shall apply for each individual sport on an annual basis.
9. The Henniker Athletic Committee may provide funding, up to the fees established for acceptance of non-residents, to permit Henniker children to participate on another town's team. However, such payment will only be for good cause and will be required to meet the same standards previously listed. No funding shall be provided for any private camps, special for-profit programs or for sports that have not been approved within the Henniker Athletic budget.
10. If a parent or guardian does not agree with the opinion of the Athletic Committee, then they can approach the Board of Selectmen to appeal. The Selectmen will notify the Athletic Committee prior to the meeting when the appeal will take place.
11. The Henniker Athletic Committee shall provide the Board of Selectmen a detailed written annual report by December 31<sup>st</sup> of all children accepted from other towns and of Henniker children funded for other programs. The report shall indicate fees charged and paid, reasons for acceptance of applications and the identity of the program the child participated in.

## **II.10 Selectboard Appointment Policy**

*Adopted June 18, 2013*

This is a policy to create a procedure to appoint a new member to the Selectboard. It references: RSA 652:12; 669:19; 669:61; and 669:63. Upon a new vacancy on the Selectboard due to a resignation, a death or any other legal vacancy; the Selectboard shall expeditiously begin the replacement process by executing the following steps.

1. Advertise for a new member in local newspaper(s), on the Town website, and post a notice in two public locations. The advertisements and notice shall ask for a short written statement of the candidate's background and experience.
2. All steps to fill a vacancy shall be an agenda item during a public session.
3. The Selectboard members will review statement of the candidate's background and experience, then choose a maximum of three (3) candidates to interview at a subsequent meeting.
4. During the candidate interviews, members may speak to each candidate to explore the candidate's background and experience.
5. Each Selectboard member may nominate a candidate.
6. Members vote "yes" or "no" by voice. The candidate receiving a minimum of three affirmative votes shall fill the vacancy.
7. If there is not a minimum of three affirmative votes for a candidate after three Selectboard votes, the matter will be postponed until the next Selectboard meeting.
8. Pursuant to RSA 669:19, if a person is appointed as a Selectboard member after the close of the period for the declaration of candidacy the person appointed serves until the next annual election following next year's period for a declaration of candidacy. If an appointment occurs before the closing of the declaration period, then the new Selectboard member may fill the position, but the person so appointed would only serve until the new person is elected.



## **II.11 Temporary Policy on Public Meetings Attendance**

*Adopted May 5, 2020*

### **Background:**

Due to concerns about COVID-19, Governor Sununu issues Emergency Order #12 and Emergency Order #16. Emergency Order #12 modified the requirements of RSA 91-A, III(c) requiring that each part of a meeting of a board be audible or otherwise discernible to the public “at the location specified in the meeting notice as the location of the meeting ”and Emergency Order #16 prohibiting gatherings of 10 or more people. Regarding Executive Order #12, Governor Sununu waived the “location” requirement. In other words, there is no longer a need for the board to provide a physical location where the public may come and listen to the meeting, even when an “emergency” has been declared by the chair under RSA 91-A, III(b). (See NH Municipal Association guidance “Public Meetings and Covid-19: Updated March 24, 2020”)

In light of CDC guidance on “social distancing,” the Select Board will not be making Town buildings available for public meetings until further notice. The Select Board and all Town committees will also make every effort to hold meetings remotely.

### **Location of Meetings:**

Any meeting may be conducted in a manner where any member of the public can call a telephone number to listen to the meeting. Additional access by video or other electronic means is permitted, but a telephonic connection is required for a meeting occurring without a physical location.

There must be a mechanism for the public to alert the board during the meeting if there are problems with access. For Henniker meetings, the “helpline” will be the Town Administrator’s phone at (603) 998-1492 which will be used to alert the board to any issues. If issues occur, the Town Administrator will alert the board about issues with the public connecting to the telephonic system or losing connection during the meeting. The meeting must be adjourned if it is determined that the public is unable to access the meeting.

The public notice of the meeting must include the information necessary for accessing the meeting, i.e. the phone number that the public can call to listen in, the phone number of the helpline, and the date and time of the meeting.

In addition to the telephonic option, meetings of public bodies will be broadcast and recorded using video conferencing software. The chat, raise a hand, and audio features will be available for the public body to be notified when a member of the public wants to participate in the meeting. The default for audio for the public will be turned off during the meeting to ensure attendees are not talking over each other, but audio for the person will be enabled after a person raises their hand or enters a chat comment.

The public is also encouraged to submit testimony or questions in writing before the meeting. After the meetings, the recorded videos of the meetings will be made available as usual on the community access station and the Town website.

#### Board and Committee Attendance at Meetings:

Emergency Order #12 modified the requirements of RSA 91-A, III(b) requiring that a quorum of a public body be physically present unless immediate action is imperative. Specifically, the Governor waived the requirement that a quorum is physically present in non-emergency situations for the duration of the declared State of Emergency in Executive Order 2020-04. In other words, a board chair need not find that an “emergency” exists according to the statutory definition and record the facts upon which that finding was made in the minutes of the meeting to allow all members of the board to meet telephonically or via other electronic means.

Other remote meeting requirements are still in effect. In particular, boards meeting either partially or entirely remotely will comply with the remainder of RSA 91-A:2, III. Those include: identifying the reason why the in-person attendance of any remote board members is not reasonably practicable in the minutes of the meeting; identifying any persons present in the location where the board member is calling from; and all votes will be by roll call.

Nonpublic sessions will be held at the end of a regular meeting. The reason for this is that it is easier to conduct the public portion using the public teleconference software, then either using a second call to conduct the nonpublic session or remove all non-board members from the current call to allow the board to conduct the nonpublic session. The Town will hold one meeting using the teleconference software and telephone and ask members of the public to sign off from the meeting following the roll call vote to go into nonpublic session.

Boards will take reasonable steps to comply with Governor Sununu’s Emergency Order #16, prohibiting gatherings of 10 or more people, including taking advantage of the provisions of Emergency Order #12, as described above. It will be the determination of the chairpersons of each board in consultation with the staff that support the board to determine whether meetings will be held fully remotely or not.

If meetings and hearings of 10 or fewer people are held at a physical location, municipal officials will follow CDC guidelines for public gatherings, including:

- Posting signage encouraging people to wash their hands when entering the building, staying home if sick or if they have been exposed to someone who is sick, and covering their mouths when they cough or sneeze;
- Spacing seating farther apart than usual to promote social distancing, including the distance between board members, if possible; and
- Wiping down common surfaces before and after meetings.

First Reading: April 21, 2020

Second Reading: May 5, 2020

Third Reading: Waived on May 5, 2020

Adopted: May 5, 2020

## **II.12 Policy on Communications Between Selectmen and Town Employees**

*Adopted January 4, 2022*

It is understood that the Select Board acts as a body, and no member of the Board may seek individually to influence the job performance of the Town Administrator, any Department Head, or any other town employee. Therefore, the Board adopts the following policy:

- 1) Except as stated below, all communications between an individual Selectmen and any town employee that relate to the employee's official duties shall be through the Town Administrator.
- 2) Except as stated below, only the Board acting as a body or a member specifically authorized by the Board may attempt to direct any town employee's job performance or assign tasks to any town employee, including the Town Administrator or any Department Head.
- 3) When action by the Town Administrator or another town employees required and it is impractical to call a meeting of the board, the chair may give instructions as necessary and will report on any such instructions at the next board meeting. When possible, communication to another employee in such situations shall be through the Town Administrator.
- 4) Nothing in this policy shall prohibit an individual Selectman from requesting assistance from the Town Administrator in performing the Selectman's duties or requesting that an item be placed on the agenda for a meeting of the Board.
- 5) An individual Selectman may communicate with an employee regarding performance of the employee's duties when specifically authorized by the Board.
- 6) No town employee, including the Town Administrator or any Department Head, shall be subject to discipline, termination, or other adverse action for failure to comply with any request or instruction from an individual Selectman that is not authorized by this policy.

First Reading: December 14, 2021

Second Reading: January 4, 2022

Third Reading: Waived on January 4, 2022

Adopted: January 4, 2022

## ***Section III***

### ***Financial & Town Property Policies***

#### **III.1 Procurement Policy**

*Adopted April 2005. Effective July 1, 2005. Amended February 2008; October 7, 2008*

##### **PURPOSE**

The purpose of this Procurement Policy is to obtain goods and services for the Town of Henniker at the lowest possible price consistent with the quality needed, to exercise financial control over purchases, to clearly define authority for the purchasing function, to assure the quality of purchases, to allow fair and equal opportunity among qualified suppliers and to provide for increased public confidence in the procedures followed in public purchasing.

##### **DEFINITIONS**

Major purchase means any single purchase of goods or services in the amount of \$15,000 or more. Bid process means the process of obtaining competitive bids for major purchases in accordance with this Policy. Non-major purchases means any purchase of goods or services less than \$15,000.

##### **BID PROCESS**

1. All major purchases authorized by the Board of Selectmen and/or Town Meeting shall be subject to the bid process.
2. The bid process shall be initiated by the issuance of a request for bids.
3. Notice of the request for bids shall be made in the following ways:
  - (a) Letters directly to known providers soliciting bid responses.
  - (b) Individuals and firms interested in being informed of competitive purchasing opportunities may contact the Town Administrator and be placed on the Town's bid list.
  - (c) Advertisements shall be posted in three (3) public locations within the Town of Henniker.
  - (d) Advertisements shall be placed in a local newspaper or media of general circulation soliciting bids.
4. The Department Head is responsible for establishing the bid specifications, which shall include the following:
  - (a) Bid name. Bid Submittal Deadline;
  - (b) Date, location and time of bid opening;
  - (c) Actual specifications for the project or services, including quantity, design and performance features, etc.;
  - (d) Bond and/or insurance requirements;
  - (e) Any special requirements; and
  - (f) Desired delivery or completion date.
5. Once the request for bids has been issued, the bid specification shall be available for inspection at the Selectmen's office.
6. All bids must be submitted in sealed envelopes, addressed to the Town in care of the Town Administrator, and plainly marked with the name of the bid and the time of the bid opening.
7. Bid proposals will be date stamped on the outside of the envelope immediately upon receipt.
8. Any bid may be withdrawn in writing prior to the scheduled time for the opening of bids.

9. Any bids received after the time and date specified shall not be considered and shall be returned to the bidder unopened.
10. Every bid received prior to the scheduled closing time for receipt for bids shall be publicly opened and read aloud by representative designated by the Board of Selectmen. All bidders and other interested persons shall be invited to be present.
11. The public opening and reading of each bid shall be at the time specified and shall include at least the following:
  - (a) Name and address of bidder;
  - (b) For lump sum contracts, the lump sum base bid and the bid for each alternate;
  - (c) For unit price contracts, the unit price for each item and the total, if stated; and
  - (d) The nature and the amount of security furnished with the bid if requested.
12. The Selectmen shall have the option of choosing up to three (3) bidders. If the successful bidder reneges, the Town can proceed with a contract with a second bidder. Up to three bids shall remain open until a contract is signed.

### **CRITERIA FOR BID SELECTION**

In evaluating bids, the Board of Selectmen, Town Administrator and Department Head shall consider the following:

1. Price;
2. Bidder's ability to perform within the specified time limits;
3. Bidder's experience and reputation, including past performance for the Town;
4. Quality of the materials and services specified in the bid;
5. Bidder's ability to meet other terms and conditions, including insurance and bond requirements;
6. Bidder's financial responsibility;
7. Bidder's availability to provide future service, maintenance and support;
8. Nature and size of bidder; and
9. Any other factors that the Board of Selectmen determines are relevant and appropriate in connection with a given project or service.

The Board of Selectmen reserves the right to reject all bids and issue a new Request for Bids if less than three bids are received. The Board of Selectmen also reserve the right at their sole discretion to reject any and all bids, wholly or in part, to waive any informalities or any irregularities therein, to accept any bid even though it may not be the lowest bid, to call for rebids, to negotiate with any bidder, and to make an award which in its sole and absolute judgment will best serve the Town's interest.

Bidders shall bid to specifications and any exceptions must be noted. A bidder submitting a bid thereby certifies that the bid is made in good faith without fraud, collusion, or connection of any kind with any other bidder for the same work; and that the bidder is competing solely on his/her behalf without connection with or obligation to any undisclosed person or firm.

The Town reserves the right to investigate the financial responsibility of any and all bidders to determine the ability of the bidder to assure service throughout the term of the contract.

The minutes of the meeting at which the selection is made shall indicate the bid selected and the factors upon which the selection was made.

All major bids submitted must specify time frame of bid quote amount and must guarantee bid amount for a minimum of thirty (30) days from bid opening date. This requirement must be included in all advertisements and written specifications issued by the Town of Henniker. Any increase in cost estimates following bid award or signing of a contract shall be absorbed by the bidder. (Changes in specifications that result in the necessity of a work order revision resulting in a cost increase is addressed in Section VI.)

## **EXCEPTIONS TO BID PROCESS**

1. **Sole Source Purchase:** If the Board of Selectmen determines that there is only one possible source for a proposed purchase, they may waive the bid process and authorize the purchase from the Sole Source.
2. **Blanket Purchase:** If a proposed purchase is not a major purchase but is anticipated to exceed \$15,000 during any fiscal year, the bid process shall be initiated and shall specify the recurring nature of the purchase. Once a bid has been accepted, all future purchases shall be made from that bidder without necessity of additional bids, until such time as the Board of Selectmen vote to initiate a new bid process.
3. **Emergency Expenditures:** In case of an emergency, the Town Administrator may award contracts and make purchases for the purpose of meeting the public emergency without complying with the bid process. In such cases, the Town Administrator shall promptly file with the Board of Selectmen a report that certifies the emergency nature of the incident and itemizes the purchase and their costs.

Emergency expenditures may include immediate repair or maintenance of town property, vehicles or equipment only if the delay in such repair or maintenance would endanger persons or property. However, even in emergencies, an attempt shall be made to get at least three (3) quotes by telephone or fax. In addition, the emergency expenditure shall be limited to the purchase of those goods or services needed to prevent the immediate harm. Any additional goods or services required to remedy the situation or prevent future harm shall be subject to the bid process.
4. **Professional Services/Consultants:** The bid process shall not apply to the Town's selection of service providers for services that are characterized by a high degree of professional judgment and discretion such as, but not limited to, legal services; auditing services; medical health or social services for Town employees, engineering and/or architecture, and risk management and/or insurance services.
5. **Utility Purchases**
6. **Advertising**
7. **Postage**
8. **Federal, state and local taxes**
9. **Court judgments**
10. **Financing or borrowing**
11. **Police special investigative costs** where disclosure may jeopardize investigation
12. **Maintenance contracts** with manufacturers of equipment purchased
13. Where the Town decides to contract with **non-profit organizations** for the provision of health, welfare, social or recreational services for the Town to the general public
14. Where the Town decides to contract with **government agencies** for the provision of governmental services
15. Sealed, publicly invited competitive bids will not be required for purchases in any situation where a contractor or supplier has defaulted upon his or her obligations to the Town and there is a security guaranteeing to the Town the performance of said obligation at no additional cost to the Town, over and above the original obligation. In such cases, the Town Administrator, with the approval of the Board of Selectmen may negotiate and award the contract to whomsoever the Town Administrator sees fit providing that said renegotiations and award does not exceed the amount of the security.
16. The Board of Selectmen, on recommendation from the Town Administrator, may waive any of the above requirements in cases where it is deemed inadvisable to solicit bids

because of, for example, the need of standardization of such materials, supplies, equipment or services, or for any other reasons which the Board of Selectmen deem to be in the interest of the Town.

17. Where it is deemed appropriate to standardize on the procurement of materials. The Town Administrator shall maintain an up-to-date listing of such standardization items or services. The procurement of such standardized items or services will be exempt from the foregoing bidding requirements. Nevertheless, Town Departments will, when reasonably possible, attempt to obtain competitive quotes from different suppliers, if any, for the standardization item or service.
18. Any major item purchase may be made without a local bid process when the service or product is available from an approved bid list awarded by the State of NH, County Federal, School District or any other entity connected with a government agency.

### **CHANGE ORDERS**

If specification changes are made prior to the close of the Bid Process, the Request for Bids shall be amended and notice shall be sent to any bidder who already submitted a bid and a new Bid Process shall be initiated.

Once a bid has been accepted, if changes to the specifications become necessary, the Department Head must prepare a change order specifying the scope of the change and the Board of Selectmen shall approve it. The Board of Selectmen authorize the Town Administrator to approve change orders where funds are available and the change order shall not exceed 10% of the amount of the original contract. The Board of Selectmen must approve all other change orders. Once approved, the contractor and an authorized agent of the Town must sign the change order.

### **NON-MAJOR PURCHASE PROCEDURE**

Department Heads shall have authority to purchase goods and services for a value of up to \$3,000.00. These purchases shall be made in a manner concurrent with the intent of this policy. For all non-major purchases over \$3,000.00, it shall be the responsibility of the Department Heads to provide to the Finance Director a standard purchase order form. The Department Head must accompany the purchase order form with at least three quotations or prices and specify the method by which the quotations or prices were obtained.

The purchase order shall be presented to the Finance Director for review. If the Finance Director recommends the purchase order be paid, he shall sign it and present it to the Town Administrator. By his/her signature, the Town Administrator shall approve or disapprove the purchase order.

In the absence of the Town Administrator (in emergency situations), the Finance Director shall approve and sign the purchase order.

### **ADMINISTRATIVE REGULATIONS**

The Town Administrator is authorized to issue purchasing requirements and procedures that the Town Administrator deems necessary to carry out the requirements of this Policy.

*Under no circumstances may any Town employee, Town committee member or Town board member use a Town of Henniker account membership, account vendor number, purchase order number or any other method of making a purchase for personal use under the name of the Town of Henniker. Reimbursement arrangements are not allowed under this policy.*

## **III.2 Disposal of Surplus Material**

Adopted May 17, 2005. Effective July 1, 2005. Revised October 7, 2008

After making all departments aware of such surplus items, the Town Administrator may authorize the sale of materials and equipment which he/she and the Department Head determine to be surplus to the needs to the Town where a single item or lot does not exceed One Thousand Dollars (\$1,000.00) in book value.

In cases where such item or lot exceeds One Thousand Dollars (\$1,000.00) in book value, the Board of Selectmen shall approve the sale of such materials. All such surplus materials shall be disposed of by public auction, including internet auctions or competitive quotations.

Broken, obsolete and damaged equipment that is determined to not be in working order will be thrown away.

In situations where the State of New Hampshire surplus auction is taking place for unused or/surplus items from the State, municipalities or school districts, it will be the discretion of the Department Head and Town Administrator to determine such items that, in their opinion, would bring a fair financial return for the Town if sent to said auction.

A written record shall be kept identifying each item and date and manner of disposal.



### **III.3 Cash Receipts Policy**

*Adopted June 17, 2008. Effective August 1, 2008*

#### **PURPOSE**

Municipalities deposit substantial sums of money each year carrying out the many functions and services that they provide. Taxpayers have a right to expect that the municipality's operations be carried out efficiently and expeditiously with adequate financial control and accountability.

The objective of this policy is to attempt to strike a balance between the need for department operating efficiency and flexibility, and the need for financial control and accountability. It is also the purpose of this policy to implement uniform procedures for depositing funds that will provide quality and operational efficiency.

#### **TYPES OF REVENUE**

**Tax Collectors Office:** The tax warrants signed by the Board of Selectmen are the authorization for the Tax Collector to collect payments. These payments shall be entered in the "Point of Sale" collection software. Deposits for collections shall be made before the close of business on the next business day. Summary journals (combined with the Town Clerk's office receipts) that correspond to the deposit total shall be kept with a copy of the actual deposit ticket and kept in date order. Said deposits shall be verified through the reconciliation process with the Finance Director and the Treasurer.

**Town Clerks Office:** The motor vehicle registration, vital records activity, animal registration and all other fees generated by the Town Clerk's office shall be entered into the "Point of Sale" collection software. Deposits for Town revenues shall be made combined with collections from the tax office to produce one grand deposit total, which shall be kept with a copy of the actual deposit ticket and kept in date order. Said deposits shall be verified through the reconciliation process with the Finance Director and the Treasurer.

**Animal Control Pickup Fines:** Fines imposed by the Animal Control officer for animal violations shall be collected by the Animal Control officer (except those remitted by the Court system as a result of court action) with a receipt for the payment given to the person fined. Said receipts shall be presented to the Town Clerk with a verification of the fine and person fined for deposit and entry into the "Point of Sale" collection system. Said deposits shall be verified through the reconciliation process with the Finance Director and the Treasurer.

**Transfer Station:** Receipts for sale of trash and recyclables are always remitted by check from the vendors that accept our items. Said receipts shall be verified by the Transfer Station to ensure payment for deliveries made. After verification, receipts are given to the Finance Director for deposit.

Receipts for fees at the Transfer Station, which would include charges for items that are based on a fee schedule approved by the Selectmen, are to be paid at the time of disposal. Checks are the preferred method of payment, however cash will be accepted provided that a carbon receipt is provided to the customer and the original receipt is remitted with the deposit total. Receipts for checks shall be given to the customer upon request. Said deposits shall be remitted to the Finance Director upon which a total is determined, and a summary report is signed by both the Finance Director and the Transfer Station employee remitting the proceeds.

Disposal Haulers are invoiced by the Finance Director based on volume of usage in reports generated by the Penacook facility where they drop the trash. Invoices are always paid by check and are entered through the account receivable module of the town accounting system, with actual deposits made by the Finance Director.

Household Hazardous Waste Day fees are invoiced by the Finance Director based on charges determined by the Transfer Station Superintendent. Invoices are always paid by check and are entered through the account receivable module of the town accounting system, with actual deposits made by the Finance Director.

**Planning, Zoning and Building Permit Revenues:** Processed through the planning, zoning and building departments. Checks are recorded on the cash receipt journal maintained in the safe in the Assessing office and placed into the cash received envelope. Cash received is recorded on the cash receipt journal maintained in the Assessing safe and the cash is placed into the petty cash box maintained in the Assessing office safe. Receipts are given for cash deposits in excess of \$10.00 or upon request.

**Miscellaneous Selectmen's Office Receipts:** The fees for copies, maps, list sales, books and the leasing of town property are recorded on the cash receipt journal maintained in the Assessing office safe and the cash/check is placed into the petty cash box maintained in the Land Use office safe.

**Rescue Billings:** Fees for rescue billings are generated by an independent billing service upon information provided by Rescue personnel. Checks from the various remitters (insurance companies, individuals) are remitted by the billing service to the Finance Director for deposit. Receipts are reconciled with year-end reports by the billing service. In the event a resident remits a payment to the Town directly, said receipts are stamped with a "For Deposit Only – Town of Henniker," and are remitted to the billing service for accounting and sent back to the Town for deposit.

**Rescue Intercept Fees:** Fees for intercepts are invoiced by the Finance Director upon written notice of an incurred fee from the rescue squad. Check payment remitted by the billed municipality is entered through the account receivable module of the accounting system and deposited by the Finance Director.

**Police:** Fees for special duty and insurance requests shall be recorded and deposited by the Police department. Detailed reports of deposit and proof of deposit shall be presented to the Finance Director.

Parking tickets shall be entered into the police software tracking system and deposited by the Police department. Detailed reports of deposit and proof of deposit shall be presented to the Finance Director.

**Trustees of Trust Funds:** The Trustees hold accounts for several expendable trust funds in which revenues are generated. Proceeds from any event held to benefit these trust funds should be presented to the Finance Director for verification and deposited into the Town's general fund. A single check will be remitted to the Trustees in the next weekly check run, along with a copy of the verification report, which will indicate the purpose of the deposit. It is also considered acceptable for a single donation to go directly to the Trustees without the need to "clear" the checks through the general fund account.

**Governmental Revenues:** Federal and State of NH revenues are generally done through direct deposit into the General Fund. The Finance Director will verify the payment and record the amount into the accounting system.

**Donations:** General donations of money or services to the Town of Henniker are subject to the Donation policy and acceptance by the Board of Selectmen. These items should be discussed directly with the Town Administrator.

**Other:** Any other revenues that are received that are not listed in this policy shall be presented to the Finance Director for proper disposition.

### **III.4 Acceptance of Donations and Gifts**

*Adopted June 5, 2007*

*Revised September 16, 2008, September 16, 2009*

The following policy is intended to implement the provisions of RSA 31:95-b and 31:95-e, with respect to the receipt of donations of money and personal property to the Town and its departments.

1. Unless otherwise provided by law, all Town departments, boards, commissions, committees, officials and employees of the Town of Henniker shall be subject to this policy. No Town department, board, commission, committee official or employee may accept gifts of funds or personal property on behalf of the Town. Any such donations shall be referred to the Board of Selectmen, to be accepted in accordance with the procedures enumerated in RSA 31:95-b and RSA 31:95-e.
2. Nothing contained in this policy shall prevent a private entity, such as a booster club, firefighters' association, rescue association or firefighters auxiliary, from raising whatever funds it desires for use by the association or organization. However, if any such private organization desires to donate funds or personal property to the Town, such provisions will be subject to the provisions of #1 of this policy.
3. Prior to acceptance of any such gift with a value of \$5,000. or over, the Selectmen shall hold a public hearing on the proposed acceptance. For gifts with a value of less than \$5,000.00, a public hearing on the proposed acceptance shall be at the discretion of the Selectmen. It is required to have approval of acceptance by the Board of Selectmen with the vote recorded in the minutes of meeting when approved.
4. No item of value may be accepted by a lease, or other similar arrangements from a donor, by any town departments, boards, commissions, committees, officials and employees of the Town of Henniker unless authorized by a public vote of the Board of Selectmen. In addition, only the Board of Selectmen may authorize exceptions to the Town's Procurement Policy and furthermore, any lease agreement of equipment must comply with the conditions pursuant to RSA 33:7-e.

## **III.5 Investment Policy**

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*Adopted June 17, 2008*

### **SCOPE**

This investment policy applies to all financial assets of the Town and is the investment policy that applies to all transactions involving the financial assets and related activity of all the foregoing funds.

These funds are accounted for in the Town's annual financial report and include any new funds created by the Town Meeting or the Board of Selectmen, unless specifically exempted by the articles of its creation.

### **OBJECTIVES**

Safety of principal is the foremost objective of the Town. Each investment transaction shall seek first to ensure that capital losses are avoided, whether they are from securities defaults or erosion of market value.

The Board of Selectmen seeks to attain market rates of return on its investments, consistent with constraints imposed by its safety objectives, cash flow considerations and state laws that restrict the placement of public funds. The Treasurer is encouraged to represent the Town's best interests in seeking to remove constraints to the efficient investment of its funds.

All participants in the investment process shall seek to act responsibly as custodians of the public trust. They shall avoid any transaction that might impair public confidence in the Board of Selectmen's ability to govern effectively.

The financial assets are accounted for in the Town's annual financial report, and include:

- General Fund
- Special Revenue Funds
- Capital Project Funds
- Any new fund created by the Town's citizens at Town meeting or by the Board of Selectmen, unless specifically exempted by the articles of its creation.

### **GENERAL POLICY**

**Authorized Depositories:** All depository accounts of the Town must be held in the name of the Town. All income payable to the Town and all revenue received by the Town shall be forwarded to the Town Treasurer.

Depositories shall be selected through the Town's banking services procurement process and awarded by the Board of Selectmen. This process shall take place at least every five years. In selecting depositories, the credit worthiness of institutions shall be considered, and the treasurer shall conduct a comprehensive review of the prospective depositories' credit characteristics and financial history.

**Authorized Investments:** Assets of the Town may be invested in the following:

- Obligations of the U.S. government such as U.S. Treasury securities maturing in less than one year and short-term obligations of U.S. Government agencies approved for investment purposes by the Treasurer of the State of NH;
- Participation accounts established with the New Hampshire Public Deposit Investment Pool established pursuant to RSA 383:22;
- Savings accounts in solvent banks in New Hampshire;
- Certificates of deposit at banks incorporated under New Hampshire law, and
- Certificates of deposit at national banks located in New Hampshire.

**Ethics and Conflict of Interest:** Investment officials involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Investment officials shall

disclose to the Selectmen any material financial interests in financial institutions that conduct business within the town, and they shall further disclose any large personal financial investment positions that could be related to the performance of the town portfolio.

**Maturities:** Investments of the Town shall be limited to instruments maturing within one year at the time of purchase.

**Policy Review:** Annually, at the meeting next following the spring election, the Selectmen shall review this policy for the investment of public funds in conformance with the provisions of applicable statutes.

**Risk and Prudence:** The town recognizes that investment risks can result from issuer defaults, market price changes or various technical complications leading to temporary non-liquidity. Both the Treasurer and the Trustees of the Trust Funds are expected to display prudence in the selection of investments in a way to minimize default risk.

The standard of prudence to be used by investment officials shall be the "prudent person" and shall be applied in the context of managing an overall portfolio. Investment officials acting in accordance with written procedures and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported to the Selectmen in a timely fashion and appropriate action is taken to control adverse developments.

#### **TOWN TREASURER DUTIES (RSA 41:29)**

**Authority and Process:** The town treasurer shall have custody of all moneys belonging to the Town, and shall pay out the same only upon orders of the Selectmen, or, in the case of a Conservation Fund established pursuant to RSA 36-A: 5, upon the order of the Conservation Commission or in the case of a Heritage Commission fund established pursuant to RSA 674:44-a upon the order of the Heritage Commission, or in the case of fees held pursuant to RSA 673:16, II, upon the order of the local land use board or its designated agent, or in the case of a recreation revolving fund established pursuant to RSA 35-B:2, upon the order of the recreation or park commission, or other board or body designated by the town to expend such a fund.

The town treasurer shall deposit all such moneys in participation units in the public investment pool established pursuant to RSA 383:22 or in solvent banks in the state. The amount of collected funds on deposit in any one bank shall not for more than 20 days exceed the sum of its paid-up capital and surplus.

#### **TRUSTEES OF TRUST FUNDS DUTIES (RSA 31:22; 31:2a)**

**Authority and Process:** Management responsibility for capital reserve funds is hereby delegated to the Trustees of Trust Funds.

A three member Board of Trustees shall administer all trusts. A ballot at each annual town meeting shall elect one trustee for a 3-year term. Vacancies shall be filled by the Selectmen for the remainder of the term. The Trustees shall organize by electing one of their number bookkeeper, who shall keep the records and books for the Trustees, and shall require a voucher before making any disbursements of funds from said trusts.

The Trustees shall have the custody of all trust funds held by the Town. The funds shall be invested only by deposit in some savings bank or in the savings department of a national bank or trust company in this state, or in bonds, notes or other obligations of the United States government, or in state, county, town, city, school district, water and sewer district bonds and the notes of towns or cities in this state, and such stocks and bonds as are legal for investment by New Hampshire savings banks and when so invested, the Trustees shall not be liable for the loss thereof; and in any common trust fund established by the New Hampshire Charitable Foundation in accordance with RSA 292:23. The Trustees may retain investments as received from donors, until the maturity thereof.

All deposits in banks shall be made in the name of the town, and shall appear upon the book thereof that the same is a trust fund.

Any security which at the time of its purchase under RSA 31:25 constituted a legal investment for New Hampshire savings banks under the laws and conditions then existing may be retained notwithstanding the fact that, because of changes in the law relating to legal investments or because of conditions arising subsequent to the purchase of such security, its purchase might not then be legal; provided, however, that no such security that is not a prudent investment under the circumstances existing at the time of its retention and thereafter shall be retained by the Trustees; and provided further, that the aggregate total of the market value of all securities retained under this section shall not exceed 20 percent of the total market value of all the investments held by the Trustees.

**Written Procedures:** Management responsibility for the reserve and trust funds of the Town is the Trustees of Trust Funds, who shall establish written procedures for investment of such funds consistent with this investment policy. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Trustees. The Board of Selectmen shall review the written procedures. The Trustees shall be responsible for all transactions undertaken.

## **III.6 Grant Request and Submission Policy**

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*Adopted May 20, 2008*

The following process will be taking place for the submission of grant requests for any department, committee and board of the Town of Henniker.

1. Town Administrator is responsible for coordinating all grant requests.
2. The Town Administrator shall approve requests prior to any application being completed.
3. Upon approval by the Town Administrator, the applicant shall complete the forms related to the application for final review.
4. If any grants require matching or partial contribution from the town, whether by funds or 'in-kind' services of materials, the Town Administrator shall provide such information to the Board of Selectmen for final approval.
5. Any grant applications that contain a provision for reimbursement for administrative costs (grant writer, etc.) and are written by a town employee as part of his or her job duties, the administrative reimbursement shall be deposited in the Town's general fund.
6. The Town Administrator may recommend and approve available grants that require expertise from a professional 'grant writer'. Payment for contracted services would be funded fully or partially through the grant's reimbursement of administrative costs.
7. Any grant requests that, in the opinion of the Town Administrator, contain complex and specific legal requirements shall be submitted to the town's legal counsel for review.
8. The Town Administrator is authorized by the Board of Selectmen to sign application form(s) as representative of the Town of Henniker unless otherwise specified on application.

**Exceptions:** Annual WWTP, Landfill Closure and Solid Waste Hazardous Waste need only the authorization signature of the Town Administrator.

### **III.7 Rental of Community Center, Grange Hall and Bandstand/Community Park**

Adopted May 2, 2006. Revised May 19, 2009, October 20, 2009, January 17, 2012, March 5, 2013, and September 4, 2018

Agreement for Rental and Fee Schedule: Contract for the use of the Town of Henniker's Community Center, Grange Hall or Angela Robinson Bandstand/Community Park by individuals, groups, or organizations. Contract must be approved by the Town Administrator or in his absence, the Finance Director.

**SPECIAL NOTICE ABOUT THE TEEN CENTER:** The Henniker Teen Center cannot be rented or used unless special permission is received by the Henniker Board of Selectmen, with input from the Community Center Activities Committee.

#### **TERMS OF CONTRACT** (to be signed by renter):

1. Contract agreement must be completed in full and signed by applicant or designee.
2. Renters must be at least 21 years of age. A person 21 years of age or older must be present at time of use.
3. The facility can only be used on the date(s) and times(s) specified above.
4. The consumption of alcoholic beverages, the use of tobacco products or the possession of controlled substances are not permitted on the premises.
5. New Hampshire-produced unopened alcoholic beverages may be sold on Town of Henniker property only with permission from the Selectmen and the New Hampshire Liquor Commission
6. Angela Robinson Bandstand/Community Park are only available during daytime hours. However, the Selectmen may grant a special exception for use after hours.
7. If you have reason to believe the event will attract 300 or more persons at any one time, you must also apply for a town Assembly Permit at least 30 days prior to the event. Not doing so could result in a fine up to \$1,000.
8. Renter will assume responsibility for the use of this facility and agree to submit payment for any damages caused as a direct result of said use. Renter will hold the Town of Henniker harmless against any liability that may occur from the use of the facility.
9. **Insurance:** A certificate of insurance or document stating that insurance coverage will apply to this rental shall be presented at time of application. In some cases, the Selectmen may waive this requirement.
10. **Key Pickup:** (for Grange and Community Ctr. Buildings only): The renter is responsible for obtaining a building key prior to the event, and returning the key afterwards. Keys are available at Henniker Town Hall, 18 Depot Hill Road, during normal business hours (8am-4:30pm, M-F). A \$50 deposit will be collected in a separate check to be returned to renter when the key is returned. If key is not returned within five (5) business days the check will be cashed to pay for the replacement and to rekey the locks.
11. **User Fees:** Persons, groups, or organizations using the facilities, not part of the Town of Henniker government as recognized by the Selectmen, shall pay a user fee. See Fee & Deposit Schedule on page 2.



12. Renter is responsible for leaving the grounds free of litter. The facility is to be left in a clean condition as found.
13. No equipment is to be left overnight unless with permission from the Town Administrator/Selectmen and the applicable fee is applied.
14. Use of the Community Center Balcony is forbidden.
15. Bicycles, skateboards, scooters, roller skates and other people-powered vehicles are NOT permitted to be operated on sidewalks or walkways in the downtown area (including Community Park) and such use is subject to warnings and fines. Please note this does not apply to vehicles designated to assist handicapped persons or tricycles, strollers, and wagons operated by pre-school-aged children under supervision of a responsible adult.
16. Animals are not permitted within town buildings except for certified service animals designated to assist a handicapped person.
17. Dogs must be leashed at all times in any park area. Animal feces must be removed by the dog owner in all parks and public areas. Violations are subject to fines and court summons.
18. The renter hereby accepts all responsibility for the above-described purpose and agrees to abide by all laws and regulations of the Town of Henniker and the State of New Hampshire. The renter hereby consents to the entry, at any time, in the course of his/her duties, any town officer, including but not limited to inspection. Failure to comply with these regulations will result in the denial of future use of the facilities.

### **FEE & DEPOSIT SCHEDULE**

<b>Grange Building or Community Center Building</b>	<b>Angela Robinson Bandstand / Community Park</b>
Resident fee \$50.00 for four hour increments (no proration)  Non-Resident fee \$100.00 for four hour increments (no proration)  (non-refundable, due at time of application)	Resident fee \$25.00 for four hour increments (no proration)  Non-Resident fee \$100.00 for four hour increments (no proration)  (non-refundable, due at time of application)
\$50.00 additional fee for overnight storage of equipment and continued use preventing others from renting the facility.	
<p style="text-align: center;"><b>DEPOSIT:</b></p> <p>For rental of more than 8 hours, a \$100.00 deposit for residents and a \$200.00 deposit for non-residents is required which is refundable if no damage has occurred during that particular rental period. Deposits must be paid as a separate check.</p> <p>A \$50.00 key deposit will be collected in a separate check to be returned to renter when the key is returned. If the key is not returned within five (5) business days the check will be cashed to pay for the replacement and to rekey the locks.</p>	

1. Fees do not apply to any official Town of Henniker Boards or Committees, State, County, Federal or any other government agency. Any designated 'special event' of the Town of Henniker or its committee and boards do not require payment of a fee.
2. This fee Schedule will apply to all private entities, business, personal use or any other groups, non-profit included, or persons not identified in item 1.
3. The Town Administrator, with the approval of the Henniker Board of Selectmen, may waive the fee requirement for a non-profit group or organization that may not have the organizational structure or ability to pay, i.e. some senior citizen meetings or emergency type requests for those that justify the need for the facility and cannot pay. Absolutely no exemptions shall be considered if any funds are accepted at the door as income for the renter, be it donations or admission fees.

## **III.8 Rental Policy and Regulations of Town Athletic Fields**

*Adopted June 3, 2008. Revised April 6, 2009*

**PURPOSE:** To establish the requirements and fees necessary for the use of the Old Concord Road soccer fields, Town Hall baseball/softball field, and “snack shack” at the Town Hall field.

The intent of this policy is that Henniker youth and adult community activities shall always have the highest priority for use of the town-controlled facilities and fields. The Athletic Committee shall be responsible for assigning fields based on the following priorities.

### **ELIGIBLE GROUPS:**

1. Town sponsored youth athletic programs.
2. Henniker Community School student groups.
3. Henniker adult athletic programs.
4. Non-profit youth athletic programs with at least 50% Henniker youth participation.
5. Non-profit adult athletic programs with at least 50% Henniker resident participation.
6. Henniker Youth Boosters Association
7. Other Henniker non-profit groups.
8. Non-profit groups from other communities.

The Athletic Committee will have the authority to waive the 50% resident requirement for athletic groups on an individual basis, provided, however, that the group seeking such an approval file a written request in advance that documents the percentage of Henniker residents actively participating. The names of Henniker residents shall be included as part of the application. If approved by the Athletic Committee, the Board of Selectmen shall be notified, in writing, of the details of the arrangement.

All other groups (private groups or organizations that charge fees and/or earn a profit) are not allowed usage unless the Board of Selectmen grant an exception to the policy approving the rental request and assess the rental fees.

**NOTICE TO “FOR PROFIT VENDORS”:** No ‘for profit vendors’ are allowed on town owned or leased property to sell goods such as food, souvenirs and any other items for sale.

### **REQUIREMENTS OF USING ORGANIZATIONS:**

1. Applicant must submit completed Application, Certificate of Liability Insurance and any necessary fees. Applications must be submitted two weeks prior to dates requested. Forms will be signed by Henniker Athletic Chairman or designee and kept on file at the Town Hall. A designee from the Selectmen’s office will notify applicant of approval or denial.
2. A special waiver form, in lieu of the Certificate of Insurance, is available at the Town office.
3. Renters must be at least 21 years of age. A person at least 21 years of age must supervise events, including underage children during time of use.
4. Renter is responsible for leaving grounds free of litter.
5. Alcoholic beverages or controlled substances are not permitted at any of the named sites at any time.
6. Henniker’s ordinances requiring removal of animal feces by owner are in effect and dogs/animals must be kept on a leash as part of this specific policy. (Town Ordinance-Chapter 11, Article 1) Violations are subject to fines as documented in the Town’s Ordinance.

**FEES:** Fees do not apply to any youth programs that are sponsored by the Town of Henniker, Henniker school groups, or Henniker Youth Boosters Association. The fee for all other groups is as follows:

**FIELDS:**       \$150.00 per day for a full day usage (5 or more hours); or  
                      \$150.00 per team for 1 season (8 to 10 weeks of 2 games/practices per week)

**SELLING GOODS:** To be determined by the Board of Selectmen.

The Henniker Athletic Committee, by a majority vote, reserves the right to waive the fees for qualifying groups that may not have the ability to pay or adjust the fee when usage times are different from those listed above.

### III.9 Field Use Application (for Town-Owned or Leased Fields)

Adopted June 3, 2008. Revised April 6, 2009

#### Field Usage Application

##### Application for Use of Town-Owned or Town-Leased Fields

Town of Henniker, 18 Depot Hill Road, Henniker NH 03242

Phone (603) 428-3221 / Fax (603) 428-4366 / Web [www.henniker.org](http://www.henniker.org)

Name of Organization or League: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone #: \_\_\_\_\_ Cell #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

E-Mail address: \_\_\_\_\_

Field(s) Requested: ☐ Town Hall Baseball/Softball Field (Depot Hill Road)  
☐ Old Concord Road Soccer Field (Army Corp./right side)  
☐ Old Concord Road Soccer Field (Connor/left side)  
☐ Old Concord Road Baseball/Softball Field (Army Corp./right side)  
☐ Other: \_\_\_\_\_

Details (description of activity, number of fields needed per day, including size of field if applicable):

\_\_\_\_\_  
\_\_\_\_\_

Dates & Times: \_\_\_\_\_

\_\_\_\_\_

Number of teams per season expected to use the fields: \_\_\_\_\_

Services Requested: \_\_\_\_\_

**Teams are responsible for field lining if needed.**

Rental Rates: \$150.00 per full day (5 or more hours) or  
\$150.00 per team for one season (8 to 10 weeks of 2 games/practices per week)

Payment due before usage starting date. Amount enclosed: \$ \_\_\_\_\_

*Make checks payable to Town of Henniker.*

NOTE: A different application is required for selling of any goods associated with a sporting event.

☐ Certificate of Liability Insurance attached

☐ I have read and understand the Policy & Regulations on reverse side.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

#### **For Office Use Only**

Amount due: \$ \_\_\_\_\_ Purpose: \_\_\_\_\_

Amount paid to Town of Henniker: \$ \_\_\_\_\_ Date: \_\_\_\_\_ Purpose: \_\_\_\_\_

Reviewed by Athletic Committee Rep: ☐ Yes (name: \_\_\_\_\_) ☐ N/A

Request is ☐ Approved ☐ Denied NOTES: \_\_\_\_\_

Town of Henniker Representative (signature): \_\_\_\_\_

### **III.10 Liability Waiver (use of Town-owned or leased fields or Snack Shack)**

*Adopted June 3, 2008. Revised April 6, 2009. Revised May 16, 2017*

#### **Release and Waiver of Liability and Indemnity Agreement**

*For all Non-Athletic Committee Sponsored Use of  
Town Snack Shack, Town-Owned Fields (includes athletic and non-recreational  
fields), Town-Leased or Town-Rented Fields  
associated with a sporting or special event.*

In consideration of the permission granted to the participant/league or other organization not affiliated with the Town of Henniker named below to participate or use Town property for any event, including fundraising purposes and sports or entertainment activities, including such activities as providing and selling goods at snack bars, vending of items such as souvenirs and the like, I/we SHALL RELEASE, WAIVE, DISCHARGE, AND COVENANT NOT TO SUE THE TOWN OF HENNIKER, their agents and employees, from all liability for any and all loss or damage, and any claim or demands therefore on account of injury to the person or property, or resulting in the death of the named participant while the named participant participates in an activity that uses an above mentioned facility.

I/we further agree to indemnify the TOWN OF HENNIKER, their agents and employees, from any and all liability, loss or damage, including but not limited to, bodily injury, illness (including food poisoning) death or property damage, which the TOWN OF HENNIKER, their agents and employees, become legally obligated to pay, including reasonable attorney's fees and costs, resulting from claims, demands, costs or judgments, against the TOWN OF HENNIKER, their agents and employees, on account of injury to the person or property, or resulting in the death of the named participant whether or not such liability is sole, joint or several. *All conditions of the Town's lease agreement with the U.S. Army Corp property must be in compliance including the provision that 'for profit private vendors' are not allowed to participate in any selling of food, souvenirs or any other items for sale.*

I/we, the person representing the organization responsible for use, rental or lease provided, the undersigned, have read this release and understand all its terms. I/we have executed this release on this date indicated next to my/our names.

\_\_\_\_\_  
Name of Organization

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Town

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Representative (signature)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Representative (printed name)

\_\_\_\_\_  
Home Phone

\_\_\_\_\_  
Cell Phone

\_\_\_\_\_  
Town of Henniker, Town Administrator (signature)

\_\_\_\_\_  
Date

### **III.11 Selling Goods at a Sporting or Special Event**

*Adopted June 3, 2008. Revised April 6, 2008. Revised May 16, 2017.*

#### **Application for Selling Goods**

***For selling goods at a sporting or special event at snack shack, Town-owned fields, Town properties, Community Park ~~or~~ and Town leased or rented fields.***

Town of Henniker, 18 Depot Hill Road, Henniker NH 03242  
Phone (603) 428-3221 / Fax (603) 428-4366 / Web [www.henniker.org](http://www.henniker.org)

**NOTICE TO “FOR PROFIT VENDORS”:** No ‘for profit vendors’ are allowed on town owned or leased property to sell goods such as food, souvenirs and any other items for sale.

Name of Organization: \_\_\_\_\_ Contact Person: \_\_\_\_\_

Phone # \_\_\_\_\_ Cell # \_\_\_\_\_ E-mail address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Schedule of use (specific dates and times must be stated): \_\_\_\_\_

**Insurance Certificate provided:** ☐ Yes ☐ No

Waiver authorized by the Board of Selectmen per recommendation of the Town Administrator  
(if no Insurance Certificate available): ☐ Yes ☐ No ☐ N/A

Non-Profit: ☐ Yes ☐ No (if non-profit, applicant must provide documentation or proof)

User must specify how income will be used: \_\_\_\_\_

☐ **Check here if income is to be donated to the Town of Henniker.** *If income is to be donated to the Town of Henniker, the Town’s Donation Policy requirements must be met. Donation process requires Board of Selectmen review and approval. Applicant must attach an initialed copy of the Town’s Donation Policy with this form.*

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

**To be completed by Town Administrator or Board of Selectmen:**

Usage fee: \$ \_\_\_\_\_ per day. \$ \_\_\_\_\_ per season. ☐ Fee waived

Signature: \_\_\_\_\_

**For Office Use Only**

Amount due: \$ \_\_\_\_\_ Purpose: \_\_\_\_\_

Amount paid to Town of Henniker: \$ \_\_\_\_\_ Date: \_\_\_\_\_ Purpose: \_\_\_\_\_

Request is ☐ Approved ☐ Denied NOTES: \_\_\_\_\_

Town of Henniker Representative (signature): \_\_\_\_\_

### **III.12 Mailbox Ordinance (Rev. Chapter 97)**

*Revision adopted June 2, 2009*

The Town of Henniker Highway Department/Board of Selectmen is not responsible for damage to, but not limited to, mailboxes, fences, stonewalls, lawns, driveways or any other object(s) placed within the 'right of way' of any town road or street. The town's Highway Department utilizes plowing equipment that is able to freely pass along or under a mailbox that conforms to a 44" (the average prescribed by the US Postal Dept. recommendations) height from ground to bottom of mailbox.

It is the responsibility of the owner of such property to replace or repair anything within the town 'right of way' that has been damaged as a result of town road maintenance.

It is also the responsibility of the property owner to adhere to the Federal Government guide referring to the erecting of mailboxes published by the U.S. Postal Service.

Any property owner (or rental occupant) seeking an exception to the policy shall first file a request with the Town Administrator. Any exception to the policy as outlined in Item 1 shall be subject to approval by the Henniker Board of Selectmen.

The location and construction of mailboxes shall conform to the rules and regulations of the U.S. Postal Service as well as to standards established by the Town and State. Postal Service standards for the location and construction of mailboxes are listed below. The following are based on recommendations by the U. S. Postal Service.

- No mailbox or newspaper deliver box (hereafter referred to as mailbox) will be allowed to exist on the Town's rights-of-way if it interferes with the safety of the traveling public or the function, maintenance, or operation of the highway system. A mailbox installation that does not conform to the provisions of this regulation is an unauthorized encroachment under the Henniker Road Width and State of NH DOT regulations (width varies with each road).
- A mailbox installation that conforms to the following criteria will be considered acceptable unless in the judgment of the Highway Superintendent of the town of Henniker, the installation interferes with the safety of the traveling public or the function, maintenance, or operation of the highway system.

LOCATION: Curbside mailboxes must be placed so that they may be safely and conveniently served by carriers without leaving their conveyances. They must be reasonably and safely accessed by customers. Boxes must also be on the right-hand side of the road and in the carrier's direction of travel in all cases where driving on the left-hand side of the road to reach the boxes would pose a traffic hazard or violate traffic laws and regulations. On new rural or highway contract routes, all boxes must be on the right side of the road in the carrier's direction of travel. Boxes must be placed to conform to state laws and highway regulations. Carriers are subject to the same traffic laws and regulations as are other motorists. Customers must remove obstructions, including vehicles, trash cans, and snow, that make delivery difficult. Generally, mailboxes are installed at a height of 41 to 45 inches from the road surface to the bottom of the mailbox or point of mail entry. Mailboxes are set back 6 to 8 inches from the front face of the curb or road edge to the mailbox door. Because of varying road and curb conditions and other factors, the Postal Service recommends that customers contact the postmaster or carrier before erecting or replacing their mailboxes and supports. (Reference: U.S. Postal Regulation 632.524)

## ***Section IV Personnel Policies***

### **IV.1 Hiring Policy for Part Time Employees by Town Administrator**

*Adopted October 17, 2006*

The Henniker Board of Selectmen authorizes the Town Administrator to obtain Board approval to fill temporary, part-time appointments by placing on the Consent Agenda, noting the effective date of hire and the rate of pay.

### **IV.2 Job Openings Posting Policy**

*Adopted April 17, 2007*

For all job openings that are available for Town of Henniker positions, it is a policy of the Board of Selectmen to post such opening internally within each department and also Town Hall.

### **IV.3 Drug and Alcohol Policies and Procedures**

*Adopted October 25, 2007*

#### **PURPOSE OF POLICY (DOT employees)**

- Compliance with DOT Regulations
- To provide a safe, drug and alcohol free work environment

#### **POLICY STATEMENT**

- No employee shall consume drugs or alcohol while on company time or property. This includes unpaid meal and break periods.
- No employee shall possess or be in control of any alcoholic beverage or controlled substance within any company building or vehicle.
- No employee will participate in the unauthorized use, abuse or sale of any controlled substance.
- We do not permit the use or sale of any controlled substance at any time.
- We have adopted a zero tolerance policy in regard to the sale or use of controlled substances and/or alcohol misuse.

#### **APPLICABILITY**

All employees who hold (CDLs) Commercial Drivers Licenses and drive vehicles in the following categories:

- Vehicles with a gross weight rating of 26,001 pounds.
- Vehicles with a gross combined weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of 10,000 pounds.
- Vehicles designed to transport 16 or more passengers.



- Vehicles of any size used to transport materials found to be hazardous and which require the vehicle to be placarded under Hazardous Materials Regulation 49 CFR Part 172, subpart F.

## **TESTING**

Although this policy prohibits the use of any controlled substance not lawfully prescribed by a physician, any drug test required under this policy will analyze an individual's urine (DOT required) to test for the presence of the following substances:

DOT:	Marijuana	Opiates
	Cocaine	Phencyclidine
	Amphetamines	

Alcohol screening tests are performed via breath analysis or saliva testing. A trained Breath Alcohol Technician (BAT) or Saliva Test Technician (STT) using the approved testing device; QED, (Quantitative Enzymes Diagnostics) and will perform these tests. A trained BAT will perform confirmation testing on an evidential breath-testing device that is on the National Highway Traffic Safety Administration's Conforming Products List.

## **REASONS FOR TESTING**

### Pre-Employment (382.301)

- Prior to the first time an employee performs a safety-sensitive function, he/she will undergo testing for controlled substances and will not be allowed to perform any such function unless a verified negative test result is received from the Medical Review Officer (MRO). If a pre-employment controlled substance test indicates a confirmed positive, the company will rescind the employment offer.

### Post-Accident (382.303)

- Any incident at the discretion of the Designated Employee Representatives. (DERs)
- As soon as practicable following an occurrence involving a Commercial Motor Vehicle (CMV) operating on a public road in commerce, the
- Company Employer shall test for alcohol and controlled substances each employee who:
  - Performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
  - Receives a citation under State or local law for a moving violation arising from the accident if the accident involved:
    - Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or
    - One or more vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.
- Per DOT regulations, drivers are prohibited from using alcohol for eight hours following any accident or until the required post-accident alcohol test is administered, whichever occurs first. Testing will be performed as soon as possible, but not more than eight (8) hours after the accident for alcohol and within thirty-two (32) hours for controlled substances.
- All eligible employees will immediately contact a supervisor/employer for instructions. The employee will not drive to the testing facility. Either, the testing collector will travel to the accident, if applicable, or the employee will be brought to the testing facility.

### Random Testing (382.305)

- All drivers subject to the Federal Motor Carrier Safety Regulations as outlined under APPLICABILITY section of this policy shall be required to submit to alcohol and substance abuse testing in a random program. The program shall be outlined as:

- The substance abuse testing program will be managed by Onsite Drug Testing of New England. ODTNE will perform all aspects of program management including, but not limited to, random selection, blind samples, quarterly statistic reports, scheduling and/or collecting samples.
- Drug screen collections and alcohol tests will be performed at Town of Henniker offices, a worksite of the Town of Henniker that has the proper accommodations, a collection site or at Onsite Drug Testing of New England, LLC, Concord, N.H.
- Per the DOT regulations, random selection and subsequent testing will be performed at an annual percentage rate of 50% of eligible driver positions for controlled substances and 10% for alcohol. These tests will spread throughout the year and shall be performed with little or no notice to the employees. When the driver is notified of the need to be tested, he/she shall be immediately ready or proceed directly to the collection site and submit to the required testing. The testing rates are eligible to change at the beginning of each year, per the Federal Motor Carrier Safety Regulations.

#### Reasonable Suspicion (382.307)

- All eligible employees are subject to Reasonable Suspicion Testing.
- Per the DOT regulations 382.307d., reasonable suspicion alcohol testing shall only be required before, during or after the driver is performing a safety-sensitive function.
- All employees eligible for controlled substance and alcohol testing under this policy are to only undergo reasonable suspicion testing before, during or after performing a safety sensitive-function.
- Per the DOT regulation 382.307, whenever the Company has reasonable suspicion to believe that an employee has violated any alcohol or controlled substance prohibition contained in this policy, it will require that employee to submit to an alcohol and/ or controlled substance test. Any suspicion shall be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The observations may include indications of the chronic effects of controlled substances. These observations will only be made by a supervisor or company official who has received appropriate training and will be documented by that individual in a Supervisor's Report of Reasonable Suspicion within twenty-four (24) hours after his/ her observation. Whenever possible, two (2) DERs shall concur with regards to the observations about the reasonable suspicion.
- All testing shall be conducted as soon as possible after the determination to test has been made. If the employee needs to be transported to the collection site, it will be by a supervisor and the employee will not be allowed to perform any safety sensitive function or drive any company vehicle until negative results are confirmed. Appropriate measures will be taken to transport the employee home after the test has been taken to ensure the safety of the employee and the general public. Such measures may include but are not limited to calling a family member, calling a taxi or driving him/ her home.

#### Refusal to Submit (382.211)

- Any employee who refuses to submit to any required test under any circumstance shall be prohibited from performing any safety-sensitive function and shall be subject to discipline as outlined in CONSEQUENCES OF POSITIVE TEST RESULTS.
- Refusal to submit (Definitions 382.107) shall be determined by any of the following circumstances, but are not limited to:
  - Failing to provide adequate breath, saliva or urine for testing without a valid medical explanation after the employee has received notice of a required test as well as refusal to submit to a medical evaluation as required by Subpart 40.193d.
    - (In the case of a Pre-Employment drug test, the employee is deemed to have refused to test on this basis only if the Pre-Employment test is conducted following a contingent offer of employment.)
  - Engaging in conduct that disrupts the collection process.

- Engaging in any conduct that creates reason to believe that a urine specimen has been altered, substituted or adulterated for the purpose of affecting the validity or accuracy of a controlled substance test result. This includes refusing to submit to an observed or monitored collection.
- Failure to appear for any test, except Pre-Employment within a reasonable time as determined by Onsite Drug Testing of New England, LLC after being directed by the employer.
- Failure to remain at the testing site, until the testing procedures are completed.
- Failure to submit to a second test that the Employer or Collector has directed the driver to take.
- A result reported by the MRO as being a verified, adulterated or substituted test.

#### **ALCOHOL & DRUG TESTING PROCEDURES (Part 40, 382 and 383)**

- All procedures for drug and alcohol collection and testing shall be performed in accordance with FMCSR Parts 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs), 382 (Controlled Substance and Alcohol Use and Testing) and 383 (Commercial Driver's License Standards; Requirements and Penalties).
- Each employee must present a photo ID directly prior to submitting to a drug or alcohol test.
- All specimens will be collected at locations that afford privacy for the employee. Providing a urine sample will not be directly observed or monitored unless the employee's conduct indicates an attempt to tamper with or adulterate the specimen.
- Urine samples will be tested for drugs at laboratories certified by the US
- Dept. of Health and Human Services (DHHS).

#### **TESTING RESULTS (Subpart D, 382.401)**

- All controlled substance and alcohol test results will be reported and maintained in a confidential manner and only shared with those who have a bonafide need to know, the DER, Onsite Drug Testing of New England, LLC and Department Of Transportation Agents.
- A negative-dilute specimen is considered a confirmed negative and no further action needs to be taken.
- A negative drug or alcohol test result is indicative of having passed the test. No further action needs to be taken.
- A positive result is defined as a confirmation alcohol test of greater than or equal to 0.04 units and a drug test determined and reported as positive by the MRO.
- No driver shall report or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 units or greater. No employer having actual knowledge that a driver has an alcohol concentration of 0.02 units or greater shall permit the driver to perform or continue to perform safety-sensitive functions.
- All drug test results, positive or negative, will be reviewed by a MRO prior to being reported to the employer. In the case of a positive test result, the MRO will contact the employee and discuss the results prior to reporting them to employer. If the employee can show a legitimate medical reason for testing positive, the MRO will report the result as negative to the employer.
- A positive controlled substance result means that the employee has failed the test and needs to be removed from safety-sensitive functions immediately. At this time, the employee may opt to have the split drug test sample sent for re-test. If the split result is other than positive for the same substance, the test is canceled and the employee may return to his safety-sensitive function. (The employee must pay in advance for the cost of having the sample re-tested).

#### **CONSEQUENCES OF POSITIVE TEST RESULTS (Part 40, Subpart 0)**

- The consequences under this part for all drivers found to have an alcohol concentration of 0.02 units or greater, but less than 0.04 units is suspension of safety-sensitive functions for 24-hours.

- The DOT requires that anyone who refuses to test be treated as though the test was positive and all consequences for a positive test apply.
- A driver who has a verified positive test will be provided information by the employer on where to go to get guidance regarding substance abuse.
- Consequences for a verified positive result will be termination.

#### **GENERAL REQUIREMENTS**

- All drivers must read, understand and sign the Alcohol and Drug Testing, Driver Awareness and Training Handbook to meet requirement 382.601.
- The receipt with signature will be kept in the driver qualification file or personnel file.
- All drivers are required under Part 382.601b.11 to report any other driver's or co-driver's behavior showing any signs and symptoms of an alcohol or controlled substance problem to their immediate supervisor.
- The Town of Henniker shall insure that each driver sign a statement certifying that he/she has received a copy of the materials described in 382.601d. (Alcohol Misuse and Controlled Substances Use, Training and Referral).
- If a prospective employee refuses to acknowledge receipt of a copy of the materials listed above, the employee will not be hired.

References: Federal Motor Carrier Safety Regulations Handbook.

## **IV.4 Addendum Drug and Alcohol Policies and Procedures**

*Adopted October 25, 2007  
Effective October 30, 2007  
Amended November 1, 2011*

Addendum for the Town of Henniker NH Drug & Alcohol Policy.

~~Effective November 1, 2011,~~

The Designated Employee Representative (DER) for the Town of Henniker, NH will be:

~~Mr. Chuck Connell~~, Town Administrator

~~Mr. Carl Knapp~~, Road Agent

~~This information is subject to change at any time.~~

## **IV.5 EMT / Ambulance Standbys Policy**

*Adopted: June 19, 2007*

### **PURPOSE**

To establish a standard policy for EMT / Ambulance Standbys

### **HISTORY**

Frequently the Henniker Rescue Squad is requested to provide EMTs and an ambulance to standby at events that attract crowds of people. It has always been the policy of the Henniker Rescue Squad to honor these requests if an ambulance and crew is available.

On occasion, individual EMTs are requested to perform these standbys on their own accord. Although it is not the intension of the Rescue Squad to dictate what employees do on their own time, it has been our policy to advise individuals not to perform such standbys on their own. The reason for this is that if they perform standbys on their own they will not have workers compensation or liability insurance protection.

Rescue Squad employees are now typically performing these standbys as a paid employee of the Town of Henniker. Since the frequency of these requests have increased the cost to the Town has to increased. The events that require standby are typically not events for the greater good of the entire Henniker Community. Therefore, it is reasonable to charge these individual events to recoup the costs for providing these services.

The following policy establishes guidelines for providing EMT / ambulance standbys. The fee schedule was established to include the pay grade for each provider level, overhead costs (such as insurances), and administrative costs.

The policy is intended to cover standbys for private (non-municipal) entities whether the event is for profit or not-for-profit purposes.

### **POLICY**

1. The request must be made in writing to the Henniker Rescue Squad at least 4 weeks in advance. Exceptions can be made by the Chief of the Rescue Squad.
2. The request shall state: the type of event, estimated attendance, date, time and location of the event, host's name and telephone number.
3. The request shall state the type of standby required. The types of standby are:
  - EMT-Basic or EMT-First Responder
  - EMT-Intermediate
  - EMT-Paramedic
  - Ambulance
4. If an ambulance is not requested, the number and level of EMT requested shall be stated.
5. If an ambulance standby is requested, 58Ambulance2 will generally be used and at least two EMT-Basics or one EMT-Basic and one EMT-First Responder shall accompany the ambulance to the event. If a higher level EMT is required the request must state that.
6. The Rescue Squad Chief (or an appropriate designee) shall review all requests for appropriateness. The Chief (or designee) reserves the right to adjust the level of staffing for the event based on their understanding of the potential emergency medical needs. The staffing levels to be provided will be discussed with the event organizer prior to the event.
7. All requests shall be given due consideration and will be granted unless:
  - There are not sufficient resources available at the time of the event.
  - The nature of the event does not warrant the services of an ambulance and or crew.
  - There is no means to guarantee the safety of the ambulance and or the crew.

8. No less than five (5) days prior to the event, the Chief (or designee) shall notify the event organizer in writing of the decision made regarding their stand-by request.
9. The ambulance and crew shall have the discretion to leave the event if there is an emergency call elsewhere that requires the ambulance and/or crew.
  - If the ambulance must leave, the organizer will be informed if this is possible and does not delay the response to the other emergency scene.
  - Prior to the event, the organizer will be informed of the possibility that the ambulance may have to leave the event due to an emergency call.
10. Subject to staffing availability, the Chief (or designee) reserves the right to provide staffing levels higher than requested (or as determined in #6 above) at no additional cost without notice.
11. In order to provide workers compensation and liability insurance protection to employees, the EMT(s) will convene at the Henniker Rescue Squad Building prior to the event and;
12. The following fees shall apply:
  - The EMT(s) will be on the clock once they arrive at the station. Unless specific circumstances (such as extended travel time) surround the event, the EMT(s) may not arrive more than 30 minutes prior to the requested standby time.
  - The EMT(s) will remain on the clock until they return to the station and all equipment used during the standby has been returned to ready condition.
  - The EMT(s) will fill out a standard Town of Henniker timecard stating the date, standby event name, and the start and end times of the standby.
  - EMT-Basic or First Responder: \$25.00 per hour
  - EMT-Intermediate: \$35.00 per hour
  - EMT-Paramedic: \$50.00 per hour
  - Ambulance: \$50.00 per hour\*

\* Does not include rate for the attending crew.
13. The Town of Henniker will send an invoice to the event organizer for the standby. The invoice will be based on the fees stated above and will be in half hour increments for the amount of time indicated on the timecards.
14. This policy shall not supersede any current or future mutual aid agreements that the Town of Henniker may have with surrounding Towns for emergency services.

## **IV.6 Towing Policy**

*Adopted July 5, 2005. Revised January 31, 2006*

The Town of Henniker establishes the following general requirements and standards for the providing of towing services processed through the Henniker N.H. Police Department. This policy shall set the acceptable standards and requirements that are needed to provide fair and professional services.

### **DEFINITIONS**

Wrecker Call: A telephonic call or paging system activation for the purposes of notifying a towing service of the need for a vehicle's removal as a result of a police request or private request.

Wrecker Log: The official record of all vehicles lawfully towed at the request of the police or owner or custodian of such vehicles filed at the Henniker Police Department pursuant to RSA 262:40-a. The said record shall be incorporated as part of the daily police log and maintained at the police department.

Duty Wrecker: The on-call or towing service to be contacted consistent with an established weekly rotation whenever a vehicle is in need of towing services or general services.

Wrecker: A motor vehicle of the truck type as defined by RSA 259:126.

Duty Wrecker List: The official reference list of all towing services who meet the requirements established within these regulations and who desire to be on-call or contacted for vehicles in need of towing services or general services. This is the established annual list of rotation for towing services.

Towing Services: A duly qualified wrecker capable of causing the lawful removal of vehicles and satisfying requirements established within this regulation.

Wrecker Notification Time: The time in which a towing service call ends for which the Police Department has provided the necessary information for the removal of a vehicle; or after activation of a towing service's paging system.

Wrecker Arrival Time: The time in which a towing service arrives at the location of a vehicle in need of removal. Such time shall be communicated by the on-site officer via radio and recorded by the dispatcher.

Wrecker Response Time: The difference between the "Wrecker Arrival Time" and the "Wrecker Notification Time".

Call-Back Response Time: The time which elapses from the activation of a towing service's paging system to the time in which a representative of the towing service contacts the Henniker police Department or dispatch center.

Police Request: A towing service originating from a Police Department employee. This shall include the owner or custodian of a vehicle expressing no preference in a towing service; or an owner or custodian of a vehicle expressing preference but the Police Department not being able to honor such preference due to an unreasonable delay in response time or other extenuating circumstances.

Private Request: A towing service processed through the Police Department but authorized by the owner or custodian of such vehicle being towed.

Wrecker Operator: A designated employee of the owner of the duty wrecker company to perform towing operations originating from the Henniker Police Department.

### **QUALIFICATIONS**

Any towing service with at least one (1) properly equipped wrecker and a storage yard in a properly zoned area, capable of holding ten (10) or more vehicles and doing business within a reasonable distance from the Henniker town limits shall be eligible for the duty wrecker list.



Preference shall be given to local towing services. However, if no local towing service is willing or capable of providing required services, the Police Department reserves the right to seek services from any other towing service.

Triple A members, or other members of similar organizations, will have their vehicles towed by duly authorized wrecker companies if one is available and providing that the incident allows the police officer to honor the request.

A towing service placed on the duty wrecker list shall be kept on this list from January to December of each calendar year except due to dismissals with cause or voluntary resignations from the said list.

The Henniker Chief of Police shall submit an annual fee schedule to the Henniker Board of Selectmen, by December 1st of each year, for implementation the following January through December time period. The current schedule shall stay in effect until the Board of Selectmen approves any changes.

The owner of the towing service or authorized representative must agree to comply with the following terms and conditions and all other regulations that are established by the Henniker Police Department to implement this policy.

The wrecker service shall not subcontract any of the towing obligations or towing services to be performed.

## **REQUIREMENTS**

All federal, state and local laws pertaining to towing services shall be adhered to.

## **VEHICLES**

Owners shall ensure that any duty wrecker is duly registered, inspected and properly equipped according to the N.H. State Law and Henniker Police Department regulations.

- Each wrecker shall be equipped with all required warning signals, an operable fire extinguisher, dolly wheels, snatch blocks, chock blocks, chains, flares, first aid kit, pry bars and proper specialized materials to tow or haul such vehicles as motorcycles and Off Highway Recreational Vehicles.
- Each wrecker shall also have a broom, shovel, pan, and disposal container or bag to be used to clean up and remove glass, vehicle particles, and other debris from the roadway, which was caused by the vehicle being removed.

## **INSURANCE**

Owners shall provide proof of liability insurance for any duty wreckers and storage yards to be used for towing. Insurance certificates shall be furnished to the Henniker Police Department on or before the effective date of the contractor service. The service shall provide for not less than 30 days prior notice to the Police Department of any cancellations or major changes in the policies. Insurance certificates shall name the town as “additional insured” and have this indicated on the insurance certificate. Certificates shall be provided to document all of the following requirements:

- Comprehensive General Liability Insurance written on occurrence form, including completed operations, coverage, personal injury liability coverage and contractual liability coverage insuring services to be provided as described herein. The minimum limits of liability carried on such insurance will be \$1,000,000 each occurrence and, where applicable, in the aggregate combined single limit for bodily injury and property damage liability; \$1,000,000 each annual aggregate personal injury liability.
- Automobile liability insurance for owned, non-owned, and hired vehicles. The minimum limits of liability carried on such insurance will be \$1,000,000 each accident, combined single limit for bodily injury and property damage.
- Any and all deductible on the above-described insurance policies will be assumed by and for the account of, and at the sole risk of the Company.

## **STAFFING**

Owners of duty wreckers shall have a designated person on-call 24-hours per day when active on the duty wrecker list.

All wrecker operators shall be properly licensed for the classification of vehicle operated. Owners shall provide proof of driver identification and possession of required licenses, in writing, to the Henniker Police Department. This information shall include: Full name of any wrecker operators, date of birth of any wrecker operators and the current address of any wrecker operators.

The above information must be updated as wrecker operator's change and shall be submitted to the Henniker Police Department. The Chief of Police or his designee may conduct license checks, motor vehicle history checks and criminal history checks in order to determine if the wrecker operator is a suitable person to be performing towing services. If any person is deemed unsuitable, the reason shall be sufficient for the person's removal from the authorized list of wrecker operators.

The duty wrecker schedule shall rotate weekly. The Chief of Police shall submit an annual wrecker list, for the up-coming year, to the Board of Selectmen and the wrecker companies by December 1st of each year.

When a new company applies to be on the duty wrecker list, the police department shall ensure that the company complies with the requirements set forth in this policy and make a recommendation to the board of selectmen. If the board authorizes the addition of the new company, it shall become part of the on call duty wrecker list the month following the approval. A revised duty wrecker list shall be completed by the police department and provided to each duty wrecker company and the dispatch center.

## **POLICE PROCEDURES**

A Police Department employee or Police Dispatcher shall affect a wrecker call to a designated person or wrecker operator of the duty wrecker from the duty wrecker list in order to provide towing services. The Police Department employee or Police Dispatcher shall provide the designated person or wrecker operator with the location of the vehicle to be towed.

All information pertaining to the removal of a vehicle shall be recorded in the daily police log. The vehicle's registered owner's name may be provided to the designated person or wrecker operator of the towing service. However, no other information (i.e. phone number; address) may be provided. If no registered owner exists, the designated person or wrecker operator may be so informed.

Once a towing service has been contacted by the Police Department for a wrecker call, a lien on the vehicle to be removed shall be considered in effect. Compensation must be made prior to the release of any such vehicle pursuant to N. H. RSA 262.33.

The wrecker notification time and the wrecker arrival time shall be recorded by the dispatch center. The difference shall be the wrecker response time.

The removal of any vehicle shall be classified as a "police request" or a "private request."

A police officer shall stand-by the location of the vehicle being removed until the arrival of the wrecker and until the vehicle has been removed unless extenuating circumstances prevent it. In no cases should a duty wrecker be removing any vehicle without the said vehicle being properly identified by a police officer on scene.

Pursuant to RSA 262:40-a, a vehicle may be removed from private property, at the request of the person in lawful possession of the private property, without a police officer present. The wrecker company shall make notice of such removal to the police department, as soon as reasonably possible.

It shall be the responsibility of the Police Department to cause notice of the removal of any vehicle pursuant to N. H. RSA 262:32.

## **RESPONSE TO CALL FOR SERVICE**

A designated person or wrecker operator must contact the Dispatch Center within 5 minutes when paging systems are utilized. This callback response time shall apply to the duty wrecker's response time.

The wrecker service will notify the dispatch center or police department when they will be unavailable for a short period of time and shall notify the same contact upon their return to service.

The duty wrecker shall respond within 20 minutes during summer months and within 25 minutes during winter months. For the purposes of this section, "summer months" shall be considered April 1st to November 30th of each calendar year and "winter months" shall be considered December 1st to March 31st of each calendar year.

Any wrecker service that happens upon an accident scene or has responded for any reason, other than a police department request, shall not solicit any owners or drivers of vehicles involved in the incident to utilize their service. Doing so may result in immediate suspension from the duty wrecker list.

If a wrecker company receives a call for service from either the police department or dispatch center and the company is NOT on call for that day, prior to responding to the scene, the company shall advise the caller their company is not on call and inquire as to whether or not the duty wrecker company has been called.

## **PENALTIES**

Owners shall be subject to penalties for duty wreckers that arrive late three or more times during the calendar year. Penalties shall consist of removal from the duty wrecker list for period of time ranging from one week to the remainder of the year. Owners may appeal any penalty, in writing, to the Chief of Police within the procedures established for such appeals.

- If the duty wrecker arrives late three (3) times within a calendar year, it may be removed from the duty wrecker list for a period of one (1) week. Written notification shall be provided to the owner or authorized representative of the towing service.
- If the duty wrecker arrives late six (6) times within a calendar year, it may be removed from the duty wrecker list for a period of two (2) weeks. Written notification shall be provided to the owner or authorized representative of the towing service.
- If the duty wrecker arrives late nine (9) times within a calendar year, it may be removed from the duty wrecker list for the remainder of the year. Written notification shall be provided to the owner or authorized representative of the towing service.
- The Chief of Police or his designee may take whatever action they deem necessary and appropriate if any provision of the standards, specifications, guidelines and requirements within this regulation are violated or the towing service engages in any unethical conduct.

## **APPEALS**

Any owner or authorized representative of a towing service on the duty wrecker list who feels any penalties imposed are unfair may appeal to the Chief of Police, who shall wait a minimum of seven (7) days after written notice of such action is forwarded to the towing service. The said appeal must be forwarded in writing to the Chief of Police and a hearing on the merits to such action shall be scheduled prior to any penalties being imposed. If no written request for appeal is received, the penalties may be imposed.

In the case of termination by the Chief of Police, the contractor or wrecker service waives any possible claims for damages.

## **FEES**

Owners shall adhere to the storage and wrecker fee schedule that is approved by the Henniker Board of Selectmen.

Owners of duty wreckers shall maintain ledgers, records and bills for all towing or storage fees and shall make such files available to the Henniker Police Department for a period of six (6) months from the date

in which the said vehicle is claimed from storage or declared unclaimed.

### **STRANDED OR DISABLED MOTORISTS**

When a stranded or disabled motorist requires general assistance, the police department shall determine if the owner or custodian of such vehicle has any preference for towing services. If not, the police department shall contact the duty wrecker for the removal of such vehicle, if necessary.

The police department reserves the right to contact the duty wrecker even in cases where the owner or custodian of such vehicle has a preference other than the duty wrecker, when the preferred towing service will result in unreasonable delay or other extenuating circumstances exist.

In cases where a stranded or disabled motorist requires general assistance and no towing, reasonable fees established by the towing service must be paid prior to the release of such vehicle to the owner or custodian.

### **STORAGE**

Vehicles removed by the Police Department and classified as "Non-Impounded" shall be towed to a designated location by the towing service. Such vehicle may be released to the owner or custodian of such vehicle when the towing service has been compensated for any towing and storage charges incurred.

Vehicles removed by the Police Department and stored at any site other than the duty wrecker's storage facility may not be released until the towing service has been compensated for any towing and storage charges incurred.

Vehicles removed by the Police Department may be stored in a suitable place and all charges incurred as a result of such removal and storage shall be a lien against the vehicle which shall be paid by the owner, custodian, or person claiming such vehicle pursuant to N.H. RSA 262:33. Unclaimed vehicles shall be disposed of consistent with the provisions of N.H. RSA 262:36-a.

Wrecker companies shall ensure that owners or drivers of vehicles towed can retrieve their vehicles seven days a week. During weekends and holidays vehicle owners or drivers shall be allowed to retrieve their vehicles during the time frame in which the company would be open on a normal business day. If a vehicle cannot be retrieved due to unavailability of the wrecker company and a request to do so has been made by the owner or driver, the owner or driver of the towed vehicle shall not be charged a storage fee for that day.

### **APPEALS**

Whenever a vehicle is towed under the authority of the Police Department and the owner or other person lawfully entitled to the possession of the vehicle wishes to challenge whether there was sufficient grounds for towing and impoundment, within fifteen (15) days of the towing and impoundment", he/she may request, in writing, a hearing before the Chief of Police pursuant to N.H. RSA 262:33.

### **EXCEPTIONS TO ROTATION PLAN**

When multiple wrecker calls originate from the same incident, the duty wrecker will be requested to remove all vehicles. However, if this cannot be accomplished in a timely manner, the police department reserves the right to contact another towing service. Preference will be given to any towing service on the duty wrecker list.

The Henniker Police Department shall reserve the right to contact another towing service at the discretion of an on-scene police officer in cases of extreme emergencies, hazardous conditions or when unavailability of wreckers on the duty wrecker list create hardship. It also reserves the right to contact another towing service when special equipment is needed such as a ramp truck or heavy-duty wrecker for commercial vehicles or when multiple wrecker calls originate from the same accident. Preference will be given to any towing service on the duty wrecker list.

## **TOWING FEE SCHEDULE**

The Henniker Police Department shall submit an annual fee schedule to the Henniker Board of Selectmen, each December 1st, for implementation the following January through December time period. The current schedule shall stay in effect until the Board of Selectmen approves any changes. The fee schedule shall include the following items:

### Wrecker Calls:

- Daytime rates: Towing services provided between the hours of 9 AM and 5 PM during normal business hours Monday through Friday, excluding holidays. This shall be considered the wrecker notification time.
- Nighttime rates: Towing services provided between the hours of 5:01 PM and 8:59 AM. This shall also include Saturdays, Sundays and holidays. This shall be considered the wrecker notification time.
- Service rates: Towing services initially requested but upon arrival at scene are not required.

### Special Services:

- Clean-up charges: Towing services provided at the scene of a motor vehicle accident in which a clean-up operation with equipment was necessary.
- Recovery charges: Special towing services required to remove a vehicle which is over an embankment, in a body of water, flipped on its side or roof, involved in spillage of gasoline or hazardous materials, or other conditions which create the need for additional equipment, manpower or extended time to accomplish a vehicle removal.
- Out-of-town charges: Towing services provided to or from a location outside the town limits of Henniker.

### Surcharges:

- Any surcharges beyond the approved rate schedule cannot be levied unless submitted, in advance, to the Board of Selectmen for consideration.

## **CURRENT RATE SCHEDULE**

The following towing and storage charges shall take effect on the date this policy is effective. These rates shall be reviewed each calendar year prior to December 30<sup>th</sup>. Any changes shall take effect on January 1<sup>st</sup> of the next calendar year.

Arrest = \$85.00

Motor vehicle accidents + \$125.00 per hours

Hookup fees for stranded motorists = \$35.00 during normal business hours and \$45.00 nights, weekends and holidays.

Storage fee = \$30.00 per day outside and \$40.00 per day inside. Storage fees rates shall begin 24 hours from the time of the tow.

Clean-up charges may be an additional \$20.00 per accident.

Recovery charges may be an additional \$100.00 per hour beyond the first 30 minutes from wrecker arrival time, charged by ¼ hour increments.

Out of town charges. A request to transport (tow) to an out of town location shall include an additional \$3.00 per mile surcharge.

Motorcycle tow charges = \$65.00 during normal business hours and \$75.00 nights, weekends and holidays.

General assistance for stranded/disabled motorists, i.e. flat tires, lockouts, jump starts, out of gas, etc. = \$35.00 during normal business hours and \$45.00 nights, weekends and holiday.

The wrecker company will maintain a visible sign, attached to the main gate or at the office, which details all current tow fees and costs.

**ACKNOWLEDGEMENT OF RECEIPT OF POLICY**

I, \_\_\_\_\_, who am the owner or duly authorized representative of the  
\_\_\_\_\_ wrecker company, do hereby acknowledge receipt of the Town of Henniker  
Towing Policy, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. I, do hereby agree to comply with all the terms,  
conditions and other regulations that are set forth in this policy.

\_\_\_\_\_  
Signature

## **IV.7 Temporary Teleworking Policy**

*Adopted April 21, 2020*

### **Background:**

Due to the current COVID-19 (coronavirus) outbreak, the Town of Henniker (Town) is allowing employees, whose job duties are conducive to working from home, the ability to request, or be assigned, temporary telework arrangements. Please keep in mind this is an evolving situation and this policy may change.

### **Details:**

Employee requests will be considered on a case-by-case basis. Factors of consideration may include: the nature of the employee's duties, the availability of any necessary equipment (personal computer, etc.), and computer and communication connectivity.

Once approved, the employee should not assume any specified period for telework. The Town may require certain tasks to be performed in-office, and/or the Town may require employees to return to regular, in-office work at any time. The Town will continue to monitor guidance from health officials and the need for remote work arrangements.

Teleworking employees must follow all security measures to protect any Town records or files, including electronic information. Employees must follow Town procedures related to computer use, network access, information security and storage of documents. No one other than the employee is permitted to access Town information or use Town equipment.

Employees who are permitted to telework will be required to sign a telework agreement. The telework agreement will cover the period the employee is permitted to work from the approved alternate location (e.g., home). If an employee is granted temporary teleworking arrangements while under a quarantine period, the Town will attempt to provide the employee with enough work to perform. An employee may telework during regular work hours; however, the time he or she is caring for a family member he/she must report those as hours away from work and take paid time off, leave without pay, and fill out a COVID-19 Incident Documentation Form while caring for a spouse (including civil union, common law, and domestic partnership), son, daughter, grandchild, sibling, parent, grandparent, or in-law.

Adopted by unanimous consent of the Henniker Select Board on April 21, 2020.